

THE House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1955—56

HOUSE OF ASSEMBLY

Tuesday, 21st February, 1956.

Pursuant to the adjournment the House of Assembly met at 3 o'clock p.m. to-day.

Present:

His Honour Mr. K. N. R. HUSBANDS, (*Speaker*); Hon. Dr. H. G. H. CUMMINS, C.B.E., M.D., C.M., (*Minister of Social Services*); His Honour Mr. A. E. S. LEWIS (*Deputy Speaker*); Hon. M. E. COX, (*Minister of Communications, Works and Housing*); Mr. L. E. SMITH, J.P., (*Chairman of Committees*); Hon. R. G. MAPP, (*Minister of Trade, Industry and Labour*); Mr. T. O. BRYAN; Mr. F. C. GODDARD, (*Leader of the Opposition*); Mr. E. ST. A. HOLDER; Mr. V. B. VAUGHAN and Mrs. E. E. BOURNE.

Prayers were read.

Mr. BARROW entered the House and took his seat.

MINUTES

The Minutes of the meetings which were held on the 19th and 24th January respectively, having been printed and circulated, were taken as read and confirmed.

PAPERS LAID

By Command of His Excellency the Governor, Papers were laid as follows:

Hon. Dr. H. G. H. CUMMINS (on behalf of the Hon. Premier): The Civil Establishment (General) (Amendment) No. 4 Order, 1956.

Hon. Dr. H. G. H. CUMMINS (on behalf of the Hon. Premier):

Statement showing the amounts advanced by the Government of Barbados and the amounts received from Her Majesty's Government in the United Kingdom under the provisions of the Colonial Development and Welfare Act for the period ended on the 31st December, 1955, in respect of the several schemes sanctioned by the Legislature.

Hon. R. G. MAPP (on behalf of the Hon. Minister of Agriculture, Lands & Fisheries): Bulletin No 22 of the Department of Science and Agriculture

entitled "The Yield of Sugar Cane in Barbados in 1955."

REPLIES

Hon. R. G. MAPP: I beg to lay the Reply to Question No. 30 asked by the hon. junior member for St. George (Mr. F. E. Miller, regarding tuberculosis in animals.

Hon. M. E. COX: I beg to lay the Reply to Question No. 61 asked by the hon. senior member for St. Lucy (Mr. J. E. T. Branker) regarding 'bus services operated by the Transport Board.

NOTICES

Hon. R. G. MAPP (on behalf of the Hon. Minister of Agriculture, Lands & Fisheries): Resolution to place the sum of \$45,711 at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1955—56, Part I, Current, as shown in the Supplementary Estimate 1955—56, No. 70, which forms the Schedule to the Resolution.

Hon. Dr. H. G. H. CUMMINS: Resolution to place the sum of \$277,200 at the disposal of the Governor-in-Executive Committee to supplement the Estimates, 1955—56, No. 71, which forms the Schedule to the Resolution.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, in connection with this Resolution, I should like to say that it is for payment to the Old Age Pensioners, due to the increase which was passed at our last meeting. I beg to give notice that it is my intention to move the suspension of Rules 88 & 89 in order that this Resolution might be dealt with through all its stages to-day. The object of doing that is to try and pay this money to the Old Age Pensioners before the end of this month.

Hon. R. G. MAPP: Resolution to place the sum of \$5,500 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1955—56, Part I, Current, as shown in the Supplementary Estimate 1955—56, No. 72, which forms the Schedule to the Resolution.

Hon. Dr. H. G. H. CUMMINS (on behalf of the Hon. Premier): Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) No. 4 Order, 1956".

Hon. Dr. H. G. H. CUMMINS: Bill to amend the Medical Registration Act, 1911.

Hon. Dr. H. G. H. CUMMINS: Bill to amend the Dental Registration Act, 1923.

Hon. Dr. H. G. H. CUMMINS: Bill to amend the Druggists' Act, 1894.

Hon. Dr. H. G. H. CUMMINS: I beg to give notice of my intention to move the House into Committee of Supply at its next meeting in order to deal with the other two Money Resolutions of which notice has just been given.

Mr. BARROW: Mr. Speaker, I beg to give notice of a bill to amend the Workmen's Compensation Act, 1942.

QUESTIONS

Mr. BRYAN: To enquire of the Minister of Trade, Industry and Labour:—

- (1) Is Government aware of the hardships endured by the hawkers permitted to peddle their wares at the Baggage Warehouse, through exposure to the elements?
- (2) Will Government give immediate consideration to the erection of some shelter for their protection?

Mr. BRYAN

To enquire of the Minister of Agriculture, Lands and Fisheries:—Will the Minister state:—

- (1) How many Applicants were there for the recently created temporary Post of Marine Mechanic?
- (2) How many of these applicants possessed certificates or diplomas in the requisite training for such a post?
- (3) How many of these applicants have had experience in the maintenance and care of diesel engines?
- (4) Have any of these candidates shown that they have had both training and experience in the care of such engines?
- (5) Were the applicants for such a post interviewed by the Public Service Commission?
- (6) Were any applicants screened for interviews with the Public Service Commission?
- (7) If the answer to (6) is in the affirmative, will the Minister state if any of these held any diploma, or certificate, relating to the care and efficient handling of such engines?
- (8) Were there any candidates holding certificates or diplomas in the requisite training in addition to showing evidence of experience in the handling of diesel engines?
- (9) If the answer to (8) is in the affirmative, were any such candidates interviewed and if not, why not?

BILLS READ A FIRST TIME

On motions of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX in each case, the following Bills were read a first time:—

Bill to amend the Medical Registration Act, 1911.

Bill to amend the Dental Registration Act, 1923.

Bill to amend the Druggists' Act, 1894.

3.25 p.m.

COMMITTEE OF SUPPLY

Mr. SPEAKER: The first Order of the Day stands in the name of the Hon. Minister of Social Services: To move the House into Committee of Supply to consider the grants of sums of money for the service of the colony.

On motion of Hon. Dr. CUMMINS, seconded by Hon. M. E. COX, Mr. SPEAKER left the Chair

and the House went into Committee of Supply, Mr. SMITH being in the Chair.

Supplementary Estimate, 1955-56, No. 68

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, this Resolution is for the sum of \$21,690 which is required for Items under two Heads and I propose to take the Heads separately.

Mental Hospital

The first is Head XXIII (3)—Mental Hospital. Under this Head is a supplementary vote of \$16,000 for provisions. It is to be remembered that during the early part of last year there was a period of drought when provisions were scanty and consequently they were in short supply. It meant therefore that more money had to be spent on other foodstuffs such as rice and cornmeal and things of that sort in order to supplement the feeding at the Mental Hospital. I think hon. members will also remember that not long ago a similar supplementary provision was passed for the General Hospital.

As regards Item 42, Cleaning, Water and Light, there is an addition of \$3,250 in order to pay for water supply. According to the note, water-rates amounting to \$2,243 for the quarter ended 31st March, 1955 were met from the provision for 1955-56. Also, due to increased consumption of water during the drought early in the financial year and increases in prices of cleaning materials, insecticides etc., a further sum of \$1,007 is necessary under this Item.

I know that some hon. members will say with respect to the water rates that that should not be so: but it sometimes happens that the reading of the water rate meter does not always take place at a proper time so that the amount can be paid from the existing vote; consequently this amount might run over in the next financial year and that is what happened in this case.

There is an increase of \$2,050 for Item 44,—Medicine. That increase has been due to the fact that drugs which are now used in the treatment of mental cases are very expensive. It is a fact that you get very good results from the use of these drugs but they are expensive and consequently they must necessarily affect the amount voted under this Item.

I beg to move that Head XXIII (3)—Mental Hospital stand part.

Hon. M. E. COX: I beg to second that.

Mr. LEWIS: Mr. Chairman, I saw that the Hon. Minister of Social Services looked particularly at me when he said that some honourable members will say that that should not be so, but I want to tell him that it is done all the time and there is nothing so wrong about it either. The provisions go on from one year to the other. It is not anything new which is done; it is only that Government has confessed it today and I suppose we will have to spare them when they confess their faults.

What I would like to know is whether the Mental Hospital Farm has recovered sufficiently now from the effects of the hurricane to justify the claims made that it will supply milk and green vegetables to the Institution. That was what was held out for it and that is what is admitted here in the printed Note to this amount.

Mr. Chairman, the Annual Estimates are coming up soon for consideration and I do not think it will be entirely right to make criticisms of the various Government Institutions now when we will have ample opportunity in a more constitutional and comprehensive manner when we are called upon

to consider the Estimates. However, I hope that nobody is making any money out of this expensive medicine which we have to buy for mental patients. I know that some of these Specialists are allowed private and consultant practice. I take it that these expensive medicines which are bought for patients at the Mental Hospital are not given free of charge to the paying patients.

I will take this opportunity to give the Hon. Minister of Health a warning, and it is about something which pertains to his portfolio. When we are dealing with this Head during consideration of the coming Annual Estimates and I happen to be in here, I am going to ask him to give me some figures as regards the admissions to the Mental Hospital and the cures that are effected. We have a new Act pertaining to admissions to that Institution which make admissions quite easy; consequently, some people might be taken there when they should not be. I really want to know if that Institution is managing to cure any of the people who go to that Institution for treatment and what is the percentage of cure as against previous experience. I would also like the honourable member, if he will be good enough to get these figures, to also enlighten me on the re-admissions to that Institution because there may be many who have been re-admitted after they have been discharged as cured. It is no use your saying you have cured somebody if after two or three weeks that person has to be re-admitted to the Institution.

I will further say that people are not altogether happy about that Institution. It is being enlarged all the time and it is an Institution which we should take greater interest in and should try to do the best we can for the patients there by getting after the medical people of that Institution and seeing that those persons do their best for the patients, and that the other people who are employed there also do their best to make the patients happy. In referring to the subordinate staff, they too should be made comfortable at that Institution in order that they will be able to treat the patients at that Institution who might not be physically but mentally ill.

3.35 p.m.

Mr. GODDARD: Mr. Chairman, as far as the provision for the farm is concerned, that is quite understandable, because it is not easy to estimate very accurately at the beginning of the year what it is likely to cost because of increase in numbers. The same thing applies to medicine; I think it is a rather modest sum, because the treatment that goes on down there can be a most expensive thing. But when it comes to the Item of water, I think it is a 25% increase on the estimate. I do not think it is necessary. In other words, it is bad estimation somewhere to have a 25% increase in a year.

Of course, I do admit we had a little drought but very recently we have been having exceedingly good weather from the agricultural point of view, and what we may have lost because of the drought quite early in the year should be offset by the good weather we have been having in the last five months. Since "Janet" we have not had to irrigate anything; so I think there must have been a very bad estimate, or a Bill should have been paid last year which was not paid until this year. In the estimate that should be taken care of. They should have known what the bill should have been up to that time.

As I said, with the provision for \$16,000, how much "Janet" has taken control there we do not know, but as the previous speaker said, that should be investigated and a new estimate given. Are they going to be as optimistic about the farm and Mental Hospital as they were last year?

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I would like to answer one or two questions as regards the optimism of honourable members in connection with the Mental Hospital Farm. At one stage, sir, last year, I think it was before the hurricane and before the drought, the farm was in a position to sell some of its milk, but that continued there a little while. As I said, the drought plus the disorganisation as far as the hurricane was concerned threw us off balance and we had to spend more money in feed; fodder was not available and things of that sort. What the honourable junior member for the City enquired about he does not expect an answer now, because he wants figures, but as regards the number of cures and readmissions at the Mental Hospital the honourable member ought to know that with that form of sickness nobody can tell when a patient will be cured, only time alone can tell; so that I do not know if the figures will mean very much except for the purpose of statistics.

The question was put and resolved in the affirmative without division.

Miscellaneous Services

Head 29—was called.

Hon. Dr. H. G. H. CUMMINS: Sir, the note to this item reads as follows:—

- (4) The Ophthalmic Surgeon of our General Hospital in January, 1955, recommended that Mr. Lawrence Jones, a patient at the Eye Ward of the Institution, should seek emergency optical treatment in Trinidad for removing a metallic foreign body from his left eye. As Mr. Jones was unable to meet the expenses of a visit to Trinidad, it was decided to make an advance up to \$150.00 to enable him to go to the Colonial Hospital, Port-of-Spain, Trinidad for this urgent treatment. It was agreed that the loan should be met from the provision under Head I—Governor, Item 19—Miscellaneous in the 1954-55 Approved Estimates.

A legal document was executed by Mr. Jones by which he undertook to repay the amount by monthly instalments commencing on the 30th April, 1955.

Mr. Jones received \$20 towards his incidental expenses and left for Trinidad on the 8th January, the air passage costing \$80.10. The balance of \$49.90 from the \$150.00 was placed to a suspense account in the Treasury before 31st March, 1955, to meet his medical expenses in Trinidad. Mr. Jones returned to Barbados on the 22nd April, 1955.

As he was accommodated in the public ward of the Colonial Hospital in Port-of-Spain, Trinidad, it was expected that his treatment there would have been free, as would have been the case with a Trinidadian receiving treatment in the public wards of the Barbados General Hospital. However, a claim has been received from the Trinidad Government for \$439.12 made up as follows:—

Maintenance (57 days	
@ \$6.00 per day) ..	\$342.00
X-rays	9.00
Operations	9.60
Streptomycin	3.52
Ophthalmic Surgeon's	
fees	75.00
	\$439.12

The amount of \$49.90 in suspense account in the Treasury is available to meet part of this commitment,

leaving the sum of \$389.22 for which provision is now required.

This is a new Item as will be seen, sir. It is the amount due for the Medical expenses of Mr. Lawrence Jones. Now, Mr. Lawrence Jones had the misfortune of getting a small piece of steel in his eye and as we did not have a magnet powerful enough here to get that steel out, he had to be sent to Trinidad in order to save his sight. Mr. Jones is a carpenter and when he was sent to Trinidad we thought the amount for expenses would have been very small, because the Medical authorities of Trinidad were told of Mr. Jones' circumstances—that he was a poor man—and this Government asked that he be accommodated in the public ward inasmuch as he would be unable to pay in a private ward. His passage was paid from the Governor's Private Vote and it was thought that the Medical expenses and treatment would have been small and could be recovered in some way, but we were confronted with this bill from Trinidad to the amount of \$390, and in it was the sum, even though he was accommodated in the public ward, for \$6 a day for that accommodation. We referred the matter back to the Trinidad Government thinking that it might have been a mistake on their part and we were told "No", that that amount was what it costs to maintain any patients in the public ward and since Mr. Jones was a stranger he would have to pay the \$6 whether in a public or private ward. That was followed soon after by a Minute which was circulated to all the Governments of the area from the Government of Trinidad, calling attention to the facts that I have just stated, that it cost them \$6 a day in the public ward and that anybody coming to Trinidad would have to pay the \$6.

That is the position that confronts us and there was nothing else to do but to come to this House and put the matter sympathetically in as much as Mr. Jones would be unable to pay. [A VOICE: Does he work for the Government?] He works in a private capacity but Dr. St. John who saw him got in touch with my Ministry and told us of the seriousness of the case and asked if he could be sent to Trinidad for treatment; and he himself communicated in a private capacity with the doctor, Dr. Metivier, I think it was, of Trinidad in connection with the case. That is the position. The Trinidad Government insists that the amount be paid even although he was accommodated in the public ward and therefore I come to this House to ask them to move this vote to clear the debt. I beg to move that Head 29 stand part.

Hon. M. E. COX: I beg to second that.

Mr. BARROW: Mr. Chairman, I notice the honourable junior member for St. Thomas, the Hon. Minister for Social Services, informed the House that there was no magnet powerful enough for such work. I would like to ask the Minister for Social Services if after all these years of research there is no magnet for operations of this kind at the Barbados General Hospital. Of course, there are some toy magnets which boys of six and eight years use, but when we talk about magnets we mean magnets used in surgery, we are not referring to commercial magnets.

Mr. Chairman, what I do want to know is whether there is an electro-magnet at the General Hospital for use in surgery for operations of this kind, because I consider the victim here to be a very fortunate man to have undergone the suspense of having to travel to Trinidad and having to survive the operation to retain the use of both of his eyes, and I think with growing industrial activity of this kind, as usual the question of emergency will arise, and if we are going to move out of the "horse-and-buggy" days we must expect that the more highly industrialised

we become, things of this nature—splinters in the eye and matters of this kind—the more these things become necessary, and I would like to find out from the honourable member if there is an electro magnet at the Hospital because it is no more than the Barbados Government can afford, even if it costs millions of pounds, and with my limited knowledge of these matters it is a device if I should call it that, which we should have.

3.45 p.m.

It is a device, if I can call it that, which is a very simple construction. I believe that, with a little human ingenuity, in an emergency, one could be constructed in Barbados by any competent electrician, members of this House notwithstanding, who may have knowledge of these matters. I do not think that honourable members should at all be reluctant to subscribe to this particular vote, especially in view of the fact that, unfortunately for Mr. Jones, he has undertaken to give it back to the Barbados Government. But, as a government we have to provide as a duty free of cost, the minimum standard of medical services for the people of this country. It seems to me to be rather hard on Mr. Jones that he should have, out of his own pocket, to pay for something which the Government should provide and have available for the use of the unfortunate people in this community.

I very much hope that no member of this House will make any unjust criticism of the charge made by the Trinidad Government. After all, their tax payers had to erect a hospital costing about \$7 million in the long run, and despite our large surpluses every year, we have not decided to erect a hospital with modern equipment. Therefore, we cannot get annoyed at the Trinidad Government if they have to charge for their service, because it is an imposition on the Trinidad taxpayers. They are doing for us what we should have done for ourselves; this may serve as a useful object, although it is a most unfortunate time or occasion for us to be taught the lesson that we should put our own house in order.

Mr. LEWIS: Mr. Chairman, the first thing I would like to say is that we hope that Mr. Jones has recovered his sight (the Hon. Minister has not said so) sufficiently well that the Surgeon can guarantee that it is alright again. The next thing I would like to say is that, unless the cost is prohibitive, I think it is most unfortunate that we could not afford the people of Barbados this particular facility for getting them better. That is most unfortunate. Thousands and thousands of dollars are spent almost annually on equipment at the General Hospital, and I hardly think that the magnetic power of this equipment in Trinidad had to be so great so as to get something out of a man's eye. It seems to me as a layman, that it is most unfortunate that we could not supply this instrument.

There is something new in these notes when they refer to the General Hospital as "our" General Hospital. I have not seen that before. The note to this Item starts off in this way: "The Ophthalmic Surgeon of our General Hospital in January, 1955, recommended that Mr. Lawrence Jones, a patient at the Eye Ward of the Institution, should seek emergency optical treatment in Trinidad for removing a metallic foreign body from his left eye . . ." I suppose they wanted to contrast our Hospital with the Trinidad Hospital. However, they have called it the Barbados General Hospital lower down in the note, and therefore they have got to know the name.

Mr. Chairman, I cannot too strongly condemn the present Government for the many acts of ignor-

ing the written constitution of this colony. The Barbados House of Assembly is the only branch of the Legislature that can attach conditions to money coming out of the Treasury. The Governor's vote is no item under which they can make advances from the Treasury to be loaned out; the Governor has a special allowance under the item "Miscellaneous" for expenditure. What might have been done is this: if you want the money in a hurry and you could not come to the House for it in a day, this money could have been advanced from this vote with the understanding that you would include it in a vote of this House for the purpose of a loan. You cannot take money which is voted for expenditure and convert it into money for a loan, just as you have a revolving fund for fishermen and so on. It is becoming a habit, and it is a bad habit, to encourage this illegal dealing with votes of this House.

I remember that this particular vote was used for putting lights in this Chamber. It is an insult to this House of Assembly that some member of the Government was trying to be smart and said, "this House would not vote for these lights being installed, and therefore let us trick them by putting in these lights from the Government's vote." I repeat that this vote is not a vote for the purpose of lending anybody any money; if you had to use it in an emergency for a loan, you should come to the House and let the House give the money or put a vote in the Estimates for a similar purpose; but do not use votes for expenditure for granting loans. You are assuming the rôle of the House of Assembly in altering the conditions under which money is voted from the Treasury. There was nothing wrong in advancing this money until you could come to the House and get the matter regularised. It is not only that; it means that the Governor-in-Executive Committee or the Government can decide that they are going to lend out money from the Treasury. The principle of the thing should be decided in here; it is the people's representatives and not the Government who should decide whether this money should be a free gift to Mr. Jones or a loan. They are overstepping their powers; let them get the written Constitution which gives those powers, and do not tamper with the Constitution under which this is being done. There is no reason why this matter should be dealt with in this way. The Barbados House of Assembly have not got the guts to do it, but a previous House have told the Governor that he would have to pay back money which he had spent, and this is one time that I will insist that he pay it back.

3.55 p.m.

If he said that he had advanced this money because it was a case of emergency, what about advancing it from the Entertainment Vote for the Ministers or some Vote like that? I say again that you have no right to loan out money that is voted for expenditure. Do not loan money out from that source and then get legal advisers to draw up documents! It is a wrong thing. I recall that money was paid out of the Treasury to the B.U.O.C. and somebody else for equipment wrongfully because the House never voted for it; the House never said that it could be taken out. They put in a Resolution afterwards to approve the principle of paying it out that way. The Government saw they could not take it out and then brought a Resolution in here for the purpose of information. That was a very wrong thing to do.

Mr. Chairman, I would like to know if Mr. Jones was working with any employer at the time so that he might be entitled to Workmen's Compensation. According to this Note it is merely stated that he was

a carpenter. It will be very unfortunate if he will have to pay this money out of his own pocket. If he were in private employment he would be able to recover something to pay Government this \$100.

I am going to warn the Government that this vote cannot be used in this way. It seems to me as if members of the Government are just trying to think of something and cannot possibly think of the right thing because to think of the right thing is too straight and narrow a path; therefore they must think of something which has an element of smartness in it. I am warning them not to do it; it is unnecessary. I am suggesting that the Government cannot lend this man this money under this Head and they should not have done it. Here it is, they have acted illegally, they have broken the constitution and they should be taken to task about it by this House of Assembly. Under no circumstances, Mr. Chairman, I am suggesting that this man should be loaned this \$100 by the Government.

Sir, I hope nobody else has suffered such an injury and because, say, the Ophthalmic Surgeon did not attend to them, they have probably lost their sight. As the honourable member who spoke before me has said, we should have such equipment at the General Hospital and the very person who should recommend this equipment is the very person who has recommended that Mr. Jones should go to Trinidad to get the treatment.

This is one matter which the Government should publicise and I hope that they are going to publicise it. There was a time when people from abroad and from the neighbouring colonies came to Barbados for treatment at the General Hospital and because they had to pay double what Barbadians were called on to pay for treatment at that Institution they said that it was very bad of the Barbados Government to do that, although it was made clear to them that the fee, say, if it were \$5, was the fee chargeable; but because the people of Barbados were paying taxes which helped to up-keep the General Hospital, they were only called upon to pay half of it. Here it is, those same people are telling you now, when there is all this talk of Freedom of Movement, Customs Union and Free Trade, that a worker in Barbados who goes to Trinidad to have treatment which he cannot get here must pay \$6 a day in the Public Hospital for treatment although he is placed in an ordinary ward and what is more, probably for the mere turning on and off of electricity, a Surgeon is working for \$75. I want that publicised because of the fierce criticism that we have had from those same people. So fierce was the criticism at the time that we had to alter our charges and allow them to obtain the treatment at the same fee as Barbadians. I hope the Minister of Health will see to it that special publication is given to this particular case.

Mr. F. L. WALCOTT: That is a matter which concerns the individual colony.

Mr. LEWIS: I cannot particularly understand the view of the honourable member on my right. The fact remains that individuals from the other colonies have come here and said that they do not do it there, therefore we should not do it here. [Mr. F. L. WALCOTT: That is a matter for the Government.] The honourable member thinks that I do not know what I am talking about. He says it is a matter for the Government of the particular colony. Have you ever heard of a Government opening its mouth except through the voice of a human being? There is not such a thing as a Government opening its mouth; it is the people and if the people say my Government does not do that, that is the voice of the people. We had a Barbadian in British Guiana, (Dr. Browne) and

he said that he had to endure this criticism for 20 odd years. I took him to a meeting of the General Hospital Board so that he could get a correct view of the matter. Of course, he got floored because he was told that the gentleman from British Guiana who ever paid \$3 or \$5 per day here for treatment would have to pay the identical amount if he had gone inside a similar ward in the Hospital in British Guiana for treatment. The fact remains that people from other neighbouring colonies did say that if you charged a Barbadian \$3 per day or whatever the amount was, that you should not charge a St. Lucian, Trinidadian, or a Vincentian double that amount for treatment because he had to come here for it.

4.05 p.m.

In spite of the fact that the charge was \$6 and a Barbadian gets it for that, if a Trinidadian came here and was only resident for six months and got sick, he gets it at the same price as the Barbadian gets it: so what I am telling you, sir, is true; and if they admit their own people in Trinidad to this particular ward free of charge, how are you going to get 100% and make it \$6. But I am saying this, that the people from Barbados who sent the man from here should have discovered all this before, and then you could not say that the Trinidad Government did this and sent you a bill if you had had correspondence with them or cable saying that this work should have been taken care of free of charge. The nature of the case is such that it would not take any genius to see this. This is slackness on the part of the people from this end making the arrangements, but still it does not alter the fact that it is surprising that this kind of charge can be put on a poor man because the people might have felt he was sent by the Barbados Government, so a good opportunity existed for getting as much as they could out of it.

Mr. F. L. WALCOTT: On humanitarian grounds you can do anything. When I say you can do anything, that is to say this is one of those cases that anyone would sympathise with, but in Barbados there is a growing feeling that if something on humanitarian grounds is necessary you need not discuss it. Like the hurricane, you do not have to discuss it because it was an act of God. This incident took place in January, 1955 over a year ago and it has now reached the Legislature. Somebody somewhere did not have the courage of their conviction to say that this man was unable to pay and therefore we are going to the Legislature and ask for a grant to permit the man to do it. Now, I was not here when this Resolution was introduced but I understand he was a carpenter. Under what circumstances as the honourable junior member for the City has asked, did this man receive this injury? Was it in the process of the course of his employment? If it were, the Workmen's Compensation Act, comes to bear; if it were his own capacity, what are the circumstances and wages of this carpenter that this Legislature can decide this? Is this a case to ask the man to repay the loan? What are the wages of a carpenter in Barbados? About \$20 a week. And with a man working for that, how much do you expect him to repay for medical attention out of a wage of \$20 a week? Would you not say 20% is extremely high, because even in rent when a man is paying more than 10% of his income, his rent is not economical; he is paying more than he can afford to pay. So if he is paying 20%, he is paying \$4 which is likely to take him three years. Do you want to impose that burden on him? Is it an instance where you can say you cannot give the people everything, you have to make them pay for something? That is the concept even in illness, and it has taken the Government a long time to decide that illness is not a luxury but a malady which

falls on the just, and on the unjust alike. Those of us who undergo medical expenses for our family have to borrow the money, because it is not the sort of money we have at our disposal.

Why didn't the Minister of Social Services possess the courage to say that it was his intention to test the Legislature to find out if they would give the man a grant to permit him to go to Trinidad without coming back today with a loan from the Government as if this were some case in which the man desired to go—as if he had an acute appendicitis or a goitre and therefore wanted to wend his way to the United States of America for Specialist treatment, but on the advice of the doctor it was decided that the man should go to Trinidad in the public ward? Why is it he has gone in the public ward? It shows that the man knows the snobberies of Barbados. If the circumstances could afford him he would go in the private ward. Some people would not go to the Hospital in Barbados at all to receive any sort of treatment unless they knew they were going to die the next day. They would prefer to die rather than to go in the public ward even to save their lives. That shows the concept that has been perpetuated in Barbados and in which you regard yourself because it lowers you to the status of the man who sweeps the street.

After examination of these things—and the Ministry of Social Services in this context should mean more than a Ministry by the interpretation of what a socialist concept should mean—if the Minister is satisfied that this man is unable to pay, why could he not have come to the Legislature and say this carpenter is unable to pay and the doctor has recommended him to go to Trinidad? It is not that the man was seeking medical aid in Trinidad, but the doctor recommended that he should go there. What would prevent the man from saying he is too poor to pay for it? What has happened is that after a lapse of time they find difficulty in the man being able to meet this treatment, because for a carpenter to be so ill for so long where would he get the residue to pay for this? A carpenter only works for wages when he works; a carpenter does not work for wages or a salary like members of the House of Assembly: we draw a salary whether we come here or not. And what I say is this, the courage of your own conviction should have led you to say the Legislature is going to agree: or, as you have felt in other things, we will go to the Legislature to ask them to give this man a chance because the doctor recommended him. Why were you afraid or worried why the loan would not be made? It seems to me strange that the Governor's vote had to be used as the medium through which you had to grant this loan to go to Trinidad. I would say this: if I were in as affluent a position as the Minister that finances other schemes other than humanitarian schemes, I would have done it out of my own pocket to show a socialist feeling. The Governor does not have any money; it comes out of the public purse the same way. His money is voted for by the people of Barbados. It is the opinion of the Minister that the man should pay back the money and therefore he must come to the House of Assembly to get the approval for the man to pay back this loan. Was he insured? Did it occur in a private capacity? Because if it did not occur in the course of his employment, therefore there is no point asking the insurance company to pay up for the loss of an eye; and if it happened in the course of employment, it is another instance to ask why the Government is delaying the Workmen's Compensation, Amendment Act, and therefore these are the sort of things that should be put right.

I do say, Mr. Chairman, I would be bold enough to say to the House and to the public,—although people in Barbados will say you are forming a dangerous precedent—this is a man who is too poor and he cannot afford to pay and the doctor recommended him. This is not a case in which the man said I would like to go to Trinidad; but from what the Addendum tells us the doctor recommended this to the Government. What I would like to say is that this man returned since April 1955 and it has taken nearly a year before it could reach the Legislature for us to make this decision.

4.15 p.m.

It has taken nearly a year. This man has returned to Barbados, the operation was regarded as an emergency operation and the money Resolution involved in this emergency operation could not reach this Chamber until nine months afterwards. Why is that? What are the reasons for the delay? Was it that you were trying to insist on the man paying this money although you were satisfied that the circumstances were such that he could not repay this loan of \$100; and therefore you are now asking legislative approval for the amount which you have to spend to put back the Governor's vote to the amount which it should be? I quite agree with the honourable member who says that you should write off this amount. Your eyes are things which are very delicate; there is no substitute for them. What I regret is that it has not been related under what circumstances this man had to seek medical aid, and if this metal had to be removed as a result of his occupation or if there had been an accident unrelated to his occupation.

The question of Workmen's Compensation therefore does not arise; in order for Workmen's Compensation to be in issue, you will have to say what the Insurance Company would have to pay. This accident has not taken place in the course of this man's employment, because that should have been stated in the Addendum to the Resolution. This matter reached the stage where it was a question of this man becoming a public patient, and if you are satisfied that this man was working for wages below those which would be regarded as wages out of which he could not repay a loan in the circumstances, then it is a public duty that this man be relieved of the payment which he has been required to make. I am one of those people who do not believe that you should charge people for medical treatment in hypothetical cases; I believe in dealing with medical cases of need. No carpenter in Barbados could afford to go overseas for an operation even in Trinidad, because he has not got the wherewithal to do so. No carpenter who is working for \$20 a week, unless he was not eating any food, could find himself with savings to provide for medical treatment of this nature. If you have to provide this treatment it is a humanitarian act, and I do not see why the Government could not see fit to relieve this man of this payment. This is not a case where you could say that you are creating a serious precedent.

It is a matter of Government to Government reaction. You cannot get the Trinidad Government to be sympathetic with the Barbados Government if members of this Government will get up here and talk about the Trinidad Government being corrupt. You get a Minister like the Hon. Minister of Labour writing in a newspaper saying that the Trinidad Government is a corrupt Government. That is a responsibility which you have—

Hon. R. G. MAPP: I should like to ask the honourable member where have I ever written in a newspaper that the Trinidad Government is a corrupt Government?

Mr. F. L. WALCOTT: In the *Beacon* news paper.

Hon. R. G. MAPP: I expect anything from the honourable member. If he can produce anything under my name stating that the Trinidad Government is corrupt, then I will resign my seat.

Mr. F. L. WALCOTT: The honourable member was afraid to sign his name. I can bring chapter and verse to prove that he has done it, and therefore he has done this Government more harm by making that statement.

Mr. CHAIRMAN: I would be very glad if the honourable member would listen to the gavel of the Chair.

Mr. F. L. WALCOTT: I apologise, Mr. Chairman, but the honourable member did not recognise the gavel of the Chair.

Mr. CHAIRMAN: The question is—

Mr. F. L. WALCOTT: No, no, Mr. Chairman, I had not finished speaking; I was honouring the decorum of the House.

Hon. R. G. MAPP: There is no Government in the West Indies which has accused the Trinidad Government of anything of which the honourable member has accused this Government. Let the honourable member produce any article under my name as Minister of Labour accusing the Trinidad Government of corruption; let him produce any article under my name accusing it or any Government of corruption. Let him produce any article to that effect. If he cannot produce any such article, then I call upon him to withdraw that charge.

Mr. F. L. WALCOTT: The honourable member is so shameless that he will stand in his seat today and deny that he has written that. That is another example of the type of persons whom we have, who know they have written these things. I have letters which I have written and things I have done to prove what the honourable member has done. If this were a Court, I would call members of this Chamber to prove what he has written; but he has the effrontery to get up in here and say things when he knows that less than three weeks ago he has withheld things which were sent to the newspaper because he knew it was against the newspaper's policy.

Hon. R. G. MAPP: I am asking the hon. member to withdraw the charge that I have written anything in any newspaper accusing the Trinidad Government of corruption.

Mr. F. L. WALCOTT: I have nothing to withdraw; I would say that on a platform.

Mr. CHAIRMAN: The Hon. Minister has raised objection to the remarks made by the hon. junior member for St. Peter to the effect that the Hon. Minister has accused the Trinidad Government of corruption.

Mr. F. L. WALCOTT: If I have said anything which the hon. member has not done, all he has to do is to go to the Court with the matter. There are sufficient lawyers for him to do that. You cannot expect to have good relationships between this Government and the Trinidad Government in this way. If you have persons who can say such things of other Governments, you cannot expect such Governments to get on with you when you are not saying the best things of them.

If the Hon. Minister of Social Services can say that the Trinidad Government has written a letter on the basis of asking them to rescind this charge, or that this Government is preparing to write that Government asking it to do so, so far as I am concerned, I do not think they should go as far as that because with the relation that exists between

the Barbados Government and the Trinidad Government today—

4.25 p.m.

Hon. R. G. MAPP: The hon member has made a very serious accusation against me. I have denied the accusation. The words which he used in making the remarks were that I, the Minister of Labour, had accused the Trinidad Government of being corrupt. In accordance with Rule 130 of this House I am objecting to those words in the debate.

Mr. CHAIRMAN: What Rule are you quoting?

Hon. R. G. MAPP: Rule 130; if the hon member refuses to withdraw those words I am asking that they be taken down.

Mr. F. L. WALCOTT: Mr. Chairman, I am going further than that. I am going to say that the Minister of Labour writes those articles.

Mr. CHAIRMAN: I am speaking to the hon junior member for St. Peter. I am asking him to take his seat.

Mr. BARROW: Mr. Chairman, I rise on a point of Order. I think the objection raised by the hon. senior member for St. Thomas under Rule 132 is out of place.

Mr. CHAIRMAN: Are you raising another objection?

Mr. BARROW: No Sir.

Hon. R. G. MAPP: I rise on a point of Order. The hon. senior member for St. George is saying something about Rule 132; the hon. member is out of order.

Mr. BARROW: The hon. member is saying that this matter relates to Rule 130 but if Your Honour will look at Rule 132, you will see that with regard to the words to which objection has been taken, the objection must be made at the time the words were used. Another thing is that the hon. senior member for St. Thomas challenged the hon junior member for St. Peter to prove them; therefore, you cannot sustain this objection at all.

Mr. F. L. WALCOTT: You do not need any Rules to settle this matter. I will go further by saying that if you are going to uphold this objection so far as I am concerned, I am ready for any objection.

Mr. CHAIRMAN: Just allow me to read these Rules. Rule 130 reads as follows:

When any member objects to words used in debate, and desires them to be taken down, Mr. Speaker, if it appear to be the pleasure of the House, will direct them to be taken down by the Clerk accordingly."

Now, the hon. member is objecting to those words. I will have to instruct the Clerk to take them down.

A VOICE: That will have to be done in the House.

Mr. CHAIRMAN: Rule 131 reads as follows:

"In a Committee of the whole House, the Chairman if it appear to be the pleasure of the Committee, will direct words objected to, to be taken down, in order that the same may be reported to the House".

Now, it is my duty to find out if it is the pleasure of the Committee that those words objected to should be taken down.

Mr. LEWIS: Allow me, Mr. Chairman, as a member of the Committee to express my views. It is not a matter if any particular member wants the words to be taken down, it is a matter if the Committee of the House or the House wants something done. I am merely asking you for a matter of information how the matter struck you. Did the hon. senior member for St. Thomas object to the remarks used by the hon. junior member for St. Peter

or did he ask that they be substantiated? That is all I am interested in. You, Sir, are the sole judge of that. What is your interpretation of the matter. It has now developed in an objection to the remarks and whether you can entertain the objection at this particular point, I am not quite sure you can, because the hon junior member for St. Peter spoke twice after making the remarks. At any rate, I am only asking the question as to how you interpreted it to know how to vote.

Mr. CHAIRMAN: As I understand it, the hon. senior member for St. Thomas asked the hon. junior member for St. Peter if he can prove in any way whether he had written this article. If he cannot prove it, he, the hon. senior member for St. Thomas, will object to the remarks.

Mr. LEWIS: In order to get proof, he will have to go outside the House to bring proof. I merely wanted to get it straight because I do not want it to happen that you are put in a false position in this matter. It may not be a matter of any particular interest to the person using the offending words or the person who is taking objection; it is a matter for the Committee. I am merely asking again: did the hon. senior member for St. Thomas object to the remarks or did he ask whether the hon. junior member for St. Peter could substantiate the statement?

Mr. CHAIRMAN: As I have explained to the honourable junior member for the City already, it will be very difficult to have this case proved at the moment because I feel that the particular newspaper will have to be produced, or something of the sort, in which that particular article had been written so that the whole House or the Committee will be able to see by whom it was written. I also take the view that the honourable senior member for St. Thomas at the same moment when the honourable junior member for St. Peter made use of the remarks, did not altogether object to them; he was awaiting approval of the case.

Rule 132 reads as follows:—

"Every such objection is to be taken at the time when such words are used and not after any other member has spoken."

I think that the honourable junior member for St. Peter had risen to prove his case but he did not prove it; he simply went on to speak; therefore, I will have to abide by Rule 132. [APPLAUSE] The honourable junior member for St. Peter may continue to speak.

4.35 p.m.

Mr. F. L. WALCOTT: Mr. Chairman, I would not like to go over that. What I would say now, is fair.

Mr. CHAIRMAN: Now, I am appealing to the honourable junior member for St. Peter.

Mr. F. L. WALCOTT: What I would say is I would not deal with that frivolous objection. What the Minister of Social Services should do so far as the Government of Barbados and the Trinidad Government are concerned is to find out if they would be prepared as Government to Government to rescind any expense which they charge and to know if a reciprocal agreement can be made between the two Governments if such a case arose in Trinidad as would need treatment in Barbados as in this case with Barbados, because I am sure that on the eve of Federation there can be no objection if there is an agreement. The rule stands if there is no agreement, and you will have to pay the fees, but I am sure if the Barbados Government enters agreement with the Trinidad Government over charges in such circumstances then the question of a fee does not arise be-

cause we feel sure the best things can arise. The idea was his to assess the medical expenses of this man and if the Minister is satisfied that the circumstances are such that he is not in a position without some difficulty to repay this loan, he can ask the House for the approval for granting the man this money under the circumstances and we will be performing a service to humanity.

Mr. E. D. MOTTLEY: I want to ask one or two questions on this humanitarian point. I want to know if we have yet acquired this instrument which the patient had to be sent to Trinidad to have used on him, and consequently whatever the answer of that might be I go a little further and say to the honourable member that it is just natural that the state should provide the best medical services for the citizens as we can get in our country as far as possible. In my way of thinking, this man Jones—I do not know him—is a man who contributes to the taxation of this country in one way or another and it is our duty therefore, to get the most modern equipment as we possibly can for the benefit of patients at the General Hospital. In the absence of this we have to send them to Trinidad. That is my considered opinion, but before I go further I would like the Minister to tell me whether they have that instrument in Barbados for removing this steel, because if a similar thing happens to-morrow the same case would arise. I am not getting into the Trinidad way of doing things, they do things in a more lively way; but if the Trinidad Government feels like doing things that way it shows how far we will get with Federation. Have we yet after a year, finding it necessary to send a man to Trinidad to save his sight, got the particular instrument or is it something only peculiar to Trinidad?

Hon. Dr. H. G. H. CUMMINS: Well, Sir, I was really going to speak at the conclusion of the whole debate, but if the honourable members' continuation of the debate depends on my answer I will say this. We have not actually procured it yet, but I have asked Dr. St. John and I believe he is taking steps with a Canadian firm to secure one in the very near future. In fact, we are taking steps to get one.

Mr. E. D. MOTTLEY: I thank the Hon. Minister for his reply. But does the honourable member not think that as the honourable junior member for St. Peter has said in an accident where a man gets something in his eye in this modern day, we should provide this instrument as long as something exists for a Hospital? I say Barbados should acquire it, and therefore it is no fault of this man; this Government is responsible. Well, the honourable member laughed. This Government is as responsible for him as for me. It is nothing to laugh at because by the grace of God if it happened to me I could go to Trinidad and I could pay. That is how you run a country for those who cannot pay; therefore, it is nothing to smile at. If you have a wide awake Hospital, I say that the service should be adequate. This is not something that is new because I have made inquiries into it. On this matter I am going to draw to the attention of the Minister that there is a lot to be said. In recent months Barbadians going to the Barbados General Hospital are sent out to take X-rays at Dr. Bayley's clinic. You have to do something about these things. Please note that and if the Minister wants me to call names I will call names. Mr. Austin L. Tudor was in the hospital from 5th December and in January he had to go to Dr. Bayley's for an X-ray; also Mr. Raymond Leach, I am calling names because I have heard about these things and because they happened to them. The honourable member for St. Lucy was standing with me when we

paid a visit to the General Hospital. He said he was sent out after being in there for a month and a half to have an X-ray taken at Dr. Bayley's Hospital. This is not a criticism, Mr. Chairman, of the administration, because I myself feel and I will repeat it for the hundredth time that for a hospital in a community of 200,000 the service is far below the public health required today even in the United States. One of the first things you need today is an improved hospital and I want you to 'get up and get' in this matter. As a matter of fact sir, I feel very strong upon this thing, and I am going to conclude by asking the Minister to see this: while the agricultural labourer does not have quite the same responsibility as we do, he should be treated properly from the medical standpoint and if this Government knows that something exists that can restore human beings to health, it is their duty to get it. If it costs five thousand pounds to get it: because to save the eye of one man might be to save an entire family. The Opposition I am sure is behind what the honourable junior member for St. Peter has said. You should not ask the man to pay back the money, because if it were somebody in a different category, he would not be asked to pay or you would possibly never have heard about it. I do not know him but he is a carpenter working for his living.

4.45 p.m.

I quite agree with the honourable junior member for St. Peter. I would say this: some Doctors after graduating, do not look in a medical journal at all. I say that with the greatest respect to the Hon. Minister of Social Services. Some of them do not know the latest and the most up-to-date equipment, therefore it is not surprising that with a Hospital in Barbados you had to send somebody to Trinidad in order to get something out of his eye. The moment I become elected to this House, I have to do for people what they cannot do for themselves. Therefore I quite agree with the honourable junior member for St. Peter that while we must pay this money to Trinidad, this man got into an accident while working for an honest living, and he should not be called upon to pay any of this money.

I am asking the Hon. Minister to do everything and see that this man should not be asked to pay this money. That is my feeling in this matter. I have quite a lot to say in this connection when we come to consider the Estimates; let me say in passing that you have a very wide-awake man interested in the administration of the Hospital, but please do not be parsimonious in getting down equipment for the Hospital. I repeat: I have a lot more to say when we come to the Estimates dealing with this Head. I should like to say that my son, your daughter or brother or aunt would want to pull strings so as to prevent them from paying this money, and I say that this man should not have to repay this money. It is through the fault of the Barbados Government not being well advised as to the General Hospital that you had to get this equipment so as to get this thing out of the man's eye. We have to accept the responsibility to the inhabitants of this island for knowing what is needed at the Hospital. If the Hon. Minister were imported, my comment would be the same thing; he should be advised as to what is necessary at the General Hospital. I do not say that this is the fault of the Radiologist because with all the chest troubles he may be overworked; but with modern science today, it is not a question of the Practitioner depending on his diagnosis, everything is examined by X-ray equipment. Therefore let us get more X-ray equipment for the benefit of people who cannot go out of the island for treatment.

Mr. LEWIS: Mr. Chairman, I would like to ask the Hon. Minister a few supplementary questions. I should like to know what are the entire circumstances which the Government has discovered about this unfortunate man. Has this man got a family? Has he got property? On what grounds are they asking him to repay this loan? I maintain that the Auditor General and the Accountant General had no right to allow this money to be taken out of the Treasury by way of loan to anybody. It is a dereliction of their duty if they have allowed that to be done because the money was not voted for that purpose. They are there breaking the Constitution of the Colony; they have to take up the Estimates and the Resolutions and see the purpose for which they are voting. This Head of the Estimates is an Expenditure Head; it is not for any loans and therefore they can get into serious trouble about this matter. These people cannot do that and get out of it. The Queen's Solicitor cannot draw up any loan arrangement for money which has not been voted for that purpose.

I want to know if this man is a family man, and the Government should be able to get that information. We do not know if this man can get Workmen's Compensation either; we do not know if he owns any property. Are you paying this money to Trinidad and merely leaving it to this man to repay this money? If the circumstances are such that this man is in a position to repay this money, did he tell the Government so? Let the House have all this information and enable honourable members to agree as to whether this man should be granted this money or not. We must know the circumstances which must have been communicated to the Government before we can say whether this money should be a gift or a loan. We want to be able to make this expenditure approved by the House.

Mr. BARROW: In view of the fact that the Hon. Minister of Social Services did not answer the questions which I posed on the occasion when I spoke or at anytime thereafter, I would summarise the position for him. Apparently sometime after January, 1955, Mr. Jones signed a document agreeing, as far as I can see reading between the lines, to repay the Government this amount of \$150. Who prepared this document? Was it somebody at the Hospital or the Crown Law Officer or Mr. Gill who enjoys a position for which he collects fees as Queen's Solicitor? The Hon. Minister may make a mental or any other kind of note which he may feel disposed to make, because we would know whom to turn out of Office.

When Mr. Jones signed this document the estimated cost of the treatment, air passage to Trinidad and maintenance was \$150. In other words, Mr. Jones was undertaking to pay the whole amount to the Barbados Government. The Hon. Minister reminds me of the cow-boy pictures in which one man was saying that somebody had stabbed him in the back. Not having taken the opportunity of familiarising themselves as to the exchange arrangements between the Trinidad Government and the Barbados Government, they have been taken by surprise that the Trinidad Government has sent them this bill. When this bill arrived, had Mr. Jones signed a bond to pay back whatever the cost of the treatment would be; because it seems to me to be a very severe imposition of a working class man in this Country. 4.55 p.m.

Is that the position? I would like to know that and there are also other honourable members who would like to know it. I am going to summarise our position: we do not think the Government should lend Mr. Jones this money because it will be remembered that the two honourable members who preceded

me in addressing this Committee on the matter as well as the junior member for St. Peter have all said that there should be an electro-magnet at the General Hospital for that purpose. Up to now the Hon. Minister for Social Services who should know every nook and cranny as well as every forceps and every suture at the General Hospital does not know. For a long time he has been fulminating against the management of the place and for all that time he cannot tell us if there is any kind of magnet at the General Hospital. He was very disarming when he introduced the Resolution by stating that they did not had a magnet powerful enough. I want to know if they ever had one at all. I know there is a free masonry among medical practitioners. Can he tell us if we have anybody at the General Hospital capable of using an electro-magnet instrument? I know that we have a lot of medical people who do not like to use an electro-magnet and the Hon. Minister of Health should not be afraid to get up and say that there is nobody in Barbados who is capable of using an electro-magnet. As a matter of fact, I do not blame any doctor who says that he is not running the risk of using an electro-magnet and that you better send that man to Trinidad to get the treatment by that instrument. What worries me is that the Hon. Minister of Social Services should now have to look up any document to see if there is an electro-magnet at the General Hospital; he should know if one is there. He should know if one is there or if the one that is there is inadequate.

I want to say this (although I have said it before but perhaps without sufficient clarity or with the force with which the honourable senior member for the City has said it,) that the predicament in which the unfortunate man found himself was due to a dereliction of duty on the part of this Government and because of that, this unfortunate man should not be called upon to pay one cent as a refund for this treatment which he got in Trinidad. The issue as to whether the Trinidad Government was morally right to charge us for the services it rendered to this man is not relevant. I would enjoin the Hon. Minister of Social Services to have a little respect for members of this House by giving us clear-cut answers to the questions we put up.

Mr. ALLDER: The point as regards whether Mr. Jones should pay back this money is not as frightening as the disclosure which has been made by the hon. senior member for the City. Speaking on behalf of the taxpayers of this Colony, when you get an Institution like the Barbados General Hospital which has been in existence for so many years (I do not know from what time it was in existence) and we claim to be able to attract the best Medical Practitioners by the salaries and conditions of service which we offer, we should have all the equipment that is necessary at that Institution. In this day of Medical development, the hon. senior member for the City is telling us that the Institution to which we pay large sums for running it yearly is without the means of guaranteeing the Public the X-ray examinations which it needs. We must certainly go into that matter; I am surely frightened over the remarks.

The reason why I fear is, that this is a small community and if the General Hospital cannot give my family and myself the service which we need, it is a sad position for those of us who do not have the means to go to an exclusive clinic. It is a question of health and a private clinic run by an individual might not be wanted by most people in a community as small as this. I have no sinister reason, Sir, for making that point but I am using

my commonsense. Why should I be driven to use the services of a private clinic just because the Barbados General Hospital has not the service?

Mr. CHAIRMAN: I had allowed the hon. senior member for the City to make mention of this matter. As a matter of fact he mentioned it very quickly and said afterwards that he was not worrying with that point any more. Now, you are dwelling on it all the time.

Mr. ALLDER: I must.

Mr. CHAIRMAN: The General Hospital is not under this Head. The hon. senior member for the City said that he was not going to make mention on that point anymore until the Estimates come up for discussion which as you know, will be brought before the House next week. I am not allowing any more argument on it.

Mr. ALLDER: It is a very important service to the public.

Mr. CHAIRMAN: I know that, but I am not entertaining it now.

Mr. ALLDER: Inasmuch as you did not prevent the hon. senior member for the City from making the point, I do not see the justification of your refusing a debate on it. This is too important a matter, Mr. Chairman, for you not to allow discussion on it.

Mr. CHAIRMAN: I repeat, I am not entertaining it now.
5.05 p.m.

Mr. ALLDER: Mr. Chairman, you entertain the best things. I am saying, Sir, that I am dealing with the Resolution and this man has had to be sent to the Trinidad Hospital because the apparatus which was necessary for him to be treated with was not here in this island. As such, I must observe the lack of foresight and proper administration on behalf of those who have that institution to run. We must consider a thing like this as dear to the public because it is a question of health; it is not something you can do without. As soon as a man becomes ill he is worried as regards the treatment which his Government can afford him through the Hospital and other medical institutions. When the taxpayers realise that after paying such large sums for the running of these institutions every year an important bit of equipment is not at that institution, well then, it must cause a great deal of apprehension and therefore it opens the door for caustic criticism. As I said, Sir, health is the most important thing to a community and here it is that Trinidad whom we are always criticising for backwardness in certain matters has had to rescue us in this respect. But besides that, what am I to do if tonight I unfortunately took ill and my doctor tells me that I must get an X-ray examination tomorrow? I may not have the money, and even if I have the money, relationship between myself and a private individual might not be as such as to cause me to go there without fear. And what is more, Sir, the taxpayers nor the Government have any control over the running of such a private clinic; and regardless to how precarious your position might be, nobody can prevent this private clinic from discriminating against one patient as regards the other and that makes the position more frightening. What I am trying to emphasise is that members should not take the matter as lightly as the Minister wants us to take it. Even so the hon. junior member for the City raised the point and the Hon. Minister for Social Services suggested not handling it now as we have the Estimates coming up.

Mr. LEWIS: On a matter of explanation. That is not the case; the hon. member has come late as usual and misunderstood the whole debate. I believe I was the first person to speak on this general running of the Hospital when it comes in for criticism

with the Mental Hospital, but I am dealing with this case on its merits. Nobody can get me to postpone any matter on a debate.

Mr. ALLDER: The honourable member for the City is always putting himself before the bulls. I am not quoting anything; the honourable junior member for the City raised this point. The honourable senior member for the City said he visited friends there and they told him they were told they would have to go outside for treatment.

Mr. E. D. MOTTLEY: On a point of Order. I said I visited the Hospital and I saw Mr. Austin L. Tudor who told me so and there were also other names that I called so I do not want to be misquoted.

Mr. ALLDER: Mr. Chairman, the honourable member strengthens my argument. He could not have had an argument if he did not visit the Hospital. I am saying that honourable members are taking a matter like this too lightly and whether the Government is pleased or vexed . . .

Mr. BARROW: Mr. Chairman, on a point of Order. I was the first person to speak on this Resolution after it was introduced and seconded by the Government side, and in view of the fact that nobody on the Government side has spoken apart from the Minister of Social Services himself, I would like to correct any impression that the honourable senior member for St. John has got that we are treating the matter lightly. We not only take it seriously, but if the man has to pay this money, I will have to go on a hunger strike or something to show how seriously I take it.

Mr. ALLDER: Mr. Chairman, why I am stressing on this is because in the latter part of 1955 I had cause — and you too, Sir — to use the X-ray at the Hospital and it has caused some doubt in me as regards the findings. You, Sir, I have seen there, making use of that X-ray; I have had to use it, and now the disclosure by the honourable senior member for the City caused us to be very apprehensive. I am wondering whether I should set about to find out whether the apparatus there was no use or whether those who used it did not know what they were doing. It is a matter of such great public importance, Mr. Chairman, and I am sure that inasmuch as the honourable senior member for the City has raised it, that the Minister of Social Services who should know all parts of the Hospital and how it is run—apart from his profession as a doctor, and conscious that health is very important to the community and ill-health is very frightening to those who are forced to feel that equipment at the Government Institution is not up to standard or not there at all. What I would like the Hon. Minister to do to reduce the fears of not only the members of this place but the general public is to say exactly if the fault lies in the absence of a radiologist.

Mr. CHAIRMAN: I am asking the hon. member not to go into the Hospital. It is not in front of us.

Mr. ALLDER: I will leave that point off, Sir, because I feel the honourable junior member for St. Thomas will explain it, but what makes it worse is that it has also been said that the equipment at Bayley's Hospital was also owned by the Barbados General Hospital and the public are now going to use something which was considered obsolete at the Hospital. I am wondering, Sir, if the same thing applies to the Eye Department: if they had a similar bit of equipment there, and it is not there again: or if they have it at all, but that they do not have anybody in the island who could use it. I would like the Hon. Minister to allay such fears by answering these questions.

There is no use in our spending over \$1 million to extend the services at the General Hospital and pay Specialists high salaries, part fees, free lodging and equipment down to the merest bit of Hospital utensils and then be told that an ordinary human being cannot obtain these services at the Institution. [Asides].

5.15 p.m.

Mr. CHAIRMAN: I cannot hear the honourable member when other honourable members are speaking.

Mr. ALLDER: You have it in your power; you are in the Chair and you have the authority to maintain order. As I was saying, Sir, after spending such monies to run that Institution and paying these high salaries and providing living accommodation on an elaborate scale for Officers up there, then we find that this ordinary workman goes there and cannot get the service for which he went there. He has to go to another Island which charges such people more than what we charge them locally. I would like to extend the statements made by previous speakers by suggesting that it is the fault of the Hospital in Barbados which has caused this youngster to have to go to Trinidad. I will say that as a taxpayer, directly or indirectly, he was entitled to free service at the Barbados General Hospital; and if his means do not afford him to pay for the Trinidad service, it is the responsibility of the local Government to pay for that service which he got in Trinidad, thereby relieving him from this payment.

I hope you see my point, Mr. Chairman, it was the fault of the set-up in Barbados which caused this young man to have to go to Trinidad for his medical treatment. If we had the treatment here, he would not have had to go to Trinidad for it because his position does not afford him to pay for it. Inasmuch as he has had to go to Trinidad through no fault of his own, I feel like other honourable members, that he should not have been asked to repay the cost of this treatment which he got in Trinidad. I am hoping, Sir, that whatever the Hon. Minister of Social Services may feel, he will realise that there has been a very strong statement made in this House, one which would cause the taxpayers to be scared. I hope that the Hon. Minister will make a statement, armed, as I hope he is, with the knowledge and running of that institution up there, so as to cause not only myself, but others to feel that if they were to be told that they have to go to that Institution tomorrow, they would be able to get the attention they need and for which they pay.

Mr. BRANCKER: Mr. Chairman, I wholeheartedly support the proposal that the taxpayers of this Country should pay this entire bill. There could be no justification at all for Mr. Jones, a man of poor circumstances as I gather he is, being required to refund this \$150 or any portion of it, or of the money which Trinidad is charging us. It strikes me as being unbusinesslike for it to appear in this note that it was expected that this man's treatment in Trinidad would have been made free. One would have thought that enquiries would have been made beforehand as to what it would cost for this man to have this treatment there. However, it does not matter whether we found it out or did not find it out; I am very glad that this case has arisen because it brings before us very vividly the fact that our General Hospital is not properly equipped, either with apparatus or with the necessary staff for dealing with this case. We will be called upon to vote over \$1 million in respect of this Hospital, and it will be interesting to hear when we are discussing this Hospital vote, what it is that we really lack at this Institution.

We have heard about our X-ray equipment and now we are hearing about this electro magnet. We have voted increases so that people who cannot afford to go to Trinidad for treatment should be able to get the necessary treatment at our Institution. It does not matter in the case of the well-to-do classes who can fly to England out of their own pockets or who are fortunate enough to find a pretext for going to England whereby their expenses would be paid from some other source; but it is a question of the poor people like Mr. Jones—the carpenters and the painters—who cannot afford to provide themselves with such treatment at the Hospital so that we will not have to send them to Trinidad. After all, we claim to be in the vanguard for so many things—education, medical services and other things—and it is now a question as to whether that claim is still tenable.

I will give the Hon. Minister a free medical opinion; there is nothing which brings about recovery from any ailment more quickly than having one's mind relieved. Let a person's mind be set at rest and his recovery will be effected much more thoroughly and quickly than otherwise; let this man be made to understand that the elected representatives of the taxpayers of this Country feel that the expense for this treatment is at our door, because we did not have the equipment to deal with this case and we will gladly meet the expense and he may be relieved of his position, particularly in the matter of his eyes. You will probably agree that this gentleman had to get this emergency optical treatment in Trinidad at his expense because of our failure to have our Hospital so equipped and staffed and because of that we must accept responsibility for this expense. It is our duty to pay the whole bill.

5.25 p.m.

Mr. CHAIRMAN: The question is—

Mr. E. D. MOTTLEY: Mr. Chairman, you seem to be putting the question before giving the Hon. Minister of Social Services a chance to reply.

Hon. Dr. H. G. H. CUMMINS: In replying to the question as to whether Mr. Jones was employed by any firm from the point of view of being entitled to Workmen's Compensation, I shall say that Mr. Jones was working for himself. I do not know if at the time he was doing a job for himself but he is not employed by any firm; therefore, there is no question of Workmen's Compensation.

A lot has been said about the agreement to pay the amount. It has been said, and quite rightly so, that this House is the custodian of Government funds; so the Government could not undertake to tell Mr. Jones that it is going to give him this service free. [A VOICE: Are you going to give him now?] Yes, we can tell him so now because from the expressions of opinion of honourable members we know now that that is the feeling of the House. [VOICES Hear! Hear!]

Much has been said that this matter happened in January last year and it is now February this year that it has been brought to the attention of this House. Mr. Jones went to Trinidad in January. We did not get the Bill from the Trinidad Government until August. After getting the question of the amount from then, I approached the Trinidad Government stating the fact of Mr. Jones' apparent inability to pay the cost. Let me say that in the first instance we had asked them to accommodate Mr. Jones in the public wards. In reply to that question they told us that it cost the Trinidad tax-payer \$6 per day to keep a person in the public wards and although Trinidadians received the service free, outsiders will have to pay for it. I say that because the

honourable member said that it could be made a matter of terms between the Barbados and the Trinidad Government.

Mr. F. L. WALCOTT: What I did say, Mr. Chairman, was that looking into the future I was wondering if a reciprocal arrangement could be made between the Barbados Government and the Trinidad Government on such lines that if we treat their patient in this way, they could treat ours along the same lines. I was asking the Hon. Minister to see whether in the future arrangements could be made on a reciprocal basis for treating people like Mr. Jones' case. I do know that the relationship, owing to the way things are in Barbados as compared with that in Trinidad is likely to be a bit touchy.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I will just read the correspondence which we received from the Trinidad Government so as to compare it with what they said previously. It reads as follows:—

"There appears to be some misunderstanding about the conditions of admission of overseas patients to medical institutions in this colony, which were set out in my saving telegram of 21st May, 1953. I regret to say that patients from neighbouring colonies seeking medical attention continue to arrive here without seeking the prior approval of this Government, thus causing additional administrative difficulties.

"You may consider it desirable to make it known that, in cases where the appropriate procedure is not followed, there is risk that such patients may be returned to their homelands under the Emigration (Restriction) Ordinance. This Government would, of course, be reluctant to cause such action to be taken except where the case absolutely warrants it, but, perhaps knowledge of the risk involved might have a deterrent effect.

"In order to save prospective patients and this Government the embarrassment and difficulties which arise when the approved procedure is not adhered to, I shall be glad if you will again give wide publicity to the requirements already circularised. It would also help if it were made known that, apart from the variable costs of operation, X-ray, consultation and other fees for bacteriological and other specialist examinations, that the fixed charge for maintenance at all institutions is as follows:—

Caura Tuberculosis Sanatorium ..	\$6.00 per day
Masson Tuberculosis Hospital ..	\$6.00 " "
Colonial Hospitals (Port-of-Spain and San Fernando) ..	\$6.00 " "
Mental Hospital ..	\$3.06 " "

"It should be carefully noted that the above charges for maintenance represent the actual cost to this Government per patient and that this Government regrets that it will not be possible therefore to make special reductions in the rates for indigent patients at the expense of the Trinidad taxpayer. It should also be made clear to the public that the above fees are for maintenance only and are applicable regardless of whether the patient is warded in a Public Ward or a Private Room."

You can see that I approached the matter in a semi-official way with the Minister of Health in Trinidad on the 16th August and on the 20th August, 1955 regarding what was set out in Note 4. You will recall my telegram of the 5th January, 1955 which has a bearing on it.

Now, I will say that the General Hospital is as well equipped with instruments as any in the West Indies and I can say that because I have visited most of them. But while that is so, there is the occasional instrument which naturally we may not have. It must also be borne in mind that Trinidad is an industrial

place and because of that, its hospital would be equipped in a way to meet with emergencies as a result of industrial operations. We, unfortunately, are not as industrialised as Trinidad; we deal more with agriculture; therefore there might be something like the instrument which was necessary to remove the metallic foreign body from Mr. Jones' eye that we might not have. However, I can say that we are taking steps to obtain that instrument. As honourable members know, the Hon. Dr. St. John of the Other Place who is the Ophthalmic Surgeon is most capable of undertaking the procuring of that instrument and I have asked him to take steps to procure it because we can never know when we will need it. He is now corresponding with a firm in Canada about it, so it will only be a matter of a short time before his procuring one for our Hospital. [VOICES: Hear! Hear]
5.35 p.m.

Mr. LEWIS: Mr. Chairman, I could not let this occasion pass without offering congratulations to the Minister for the attitude he has adopted in the case. I can see he tried to get the treatment as soon as possible; speed was his desire and we are glad to know it was successful. But, Sir, I do not think we should let the occasion pass without saying we must have great generosity to allow two doctors from the General Hospital recently to go to the island of St. Lucia to do work there, because they are not supposed to have any consolidated practice outside the Hospital, and it must have been the generosity of this Government to allow two surgeons to go there to do work; and I hope these things will be taken into consideration when we have exceptional cases to go across.

Mr. BARROW: There was only one question which the Minister did not answer. I too would like to join with the honourable junior member for the City in congratulating the hon. junior member for St. Thomas for realising that parliamentary democracy can be a reality, but it is not the first occasion that the Minister has not answered questions. I will not embarrass him by asking him to remember that we have an appointed Queen's Solicitor; and since we have Crown Law Officers, I would like him to warn the Government servants in the Departments over which he presides not to call upon people to sign documents until they have been prepared and scrutinised by Queen's Solicitor because one of these days somebody is going to find himself in serious trouble if they continue this practice of imposing this burden without legal advice. I am not asking the Minister to disclose who did it—that legal document prepared by the administration inflicting a burden on the taxpayers of this country by Civil Servants who want to build an empire themselves. I would not worry to criticise the Minister on that point because I do not think it is entirely his fault. But on the question of the electro-magnet, it is fairly clear from what he said that there is not one in the Hospital. I do not want to say more about it, but I want to know how much a new one will cost because the Superintendent of the Hospital and the regular purchasing authorities are the right people to look after the matter. I do not question the confidence of our best Eye Specialist but it seems to be an unnecessary imposition on a private doctor to undertake something for which he might be criticised at a later stage.

Mr. E. D. MOTTLEY: Mr. Chairman, I would like to say I do appreciate the way in which the Minister replied to us. One point I would like to make is that I hope his promise will be carried out. The Government should not undertake to give this man the money free, but now it has come to the House and he will have this money which was charged him free.

I am only saying that if he has paid anything already I hope he will be reimbursed. The Government has before now sent people down the islands in the absence of proper equipment and there is no question of asking people to pay the expenses; so in this case where we have no electro-magnet as the Hon. Minister has said, I hope he will carry out his promise to the House that the man will not be called upon to pay.

The question was put and resolved in the affirmative without division.

On motion of Hon. Dr. H. G. H. CUMMINS seconded by Hon. M. E. COX Mr. CHAIRMAN reported the passing of the Resolution in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. Dr. H. G. H. CUMMINS seconded by Hon. M. E. COX in each case the Resolution for \$21,690 was read a second and third time and agreed to.

SUSPENSION OF RULES 88 & 89

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, before we adjourn for tea, I did intimate that I would move the Suspension of Rules 88 & 89 in order to go ahead with the Resolution for \$277,200. For the benefit of hon. members who were not in here this Resolution is in accordance with the Bill to amend the Old Age Pensions Act which we passed a few weeks ago and we would like to have this money paid to the Old Age Pensioners before the end of this month and in order to do that we are asking that Rules 88 & 89 be suspended.

I now beg to move that Rules 88 & 89 be suspended.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative without division.

ADJOURNMENT

Hon. Dr. H. G. H. CUMMINS: I beg to move that this House do now adjourn for half an hour.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

5.45 p.m.

On re-assembling.

COMMITTEE OF SUPPLY

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that you do now leave the Chair, and the House go into Committee of Supply in order to deal with this Resolution for \$277,200.

Hon. M. E. COX: I beg to second that.

The question was put and agreed to.

Mr. SPEAKER left the Chair, and the House went into Committee of Supply, Mr. SMITH being in the Chair.

SUPPLEMENTARY ESTIMATES, 1955—56, NO. 71. OLD AGE PENSIONS

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I do not think we need to say very much in connection with this Resolution. Honourable members are familiar with the history or rather, the background of this Resolution. This Resolution is to give effect to the increase in the amount of the Old Age Pension, and there is also another Item dealing with a Porter's uniform. The Postmaster General has already set up the machinery for dealing with this

matter as soon as this Resolution is passed, and steps are being taken to have the money ready for distribution on Saturday, 24th March, to persons who are qualified to get this money.

As I was saying just now, there is an additional Item in connection with a Porter's uniform. This Porter is employed in the Post Office and he has to deal exclusively with Old Age Pensioners. Formerly this matter of the provision of this uniform was placed under the Item "Incidental," but it was inadvertently omitted in last year's Estimates. In consequence of that, this sum of \$50 is now required in respect of this porter's uniform. [Mr. LEWIS: What about the matter of the blind persons?] I forgot all about that. [Mr. E. D. MOTTLEY: That is an admission. Get it when we come to deal with the Estimates.] I must admit that I have forgotten to get the information in respect of the blind people. I beg to move that this Resolution do now pass.

Hon. M. E. COX: I beg to second that.

Mr. F. L. WALCOTT: In furtherance of that question, I would like the honourable Minister to be able to tell the House when we are debating the Estimates the cost of dealing with these blind persons. On the last occasion, the Hon. Minister said that he was not in a position to give any information relative to the cost of dealing with these blind persons, but it would be a good thing for us to know if the cost of so doing is prohibitive or if it would be regarded as negligible. The Hon. Minister has said that he is not able to say what the position is now, but we hope that during the consideration of the Estimates, he will be able to give us this information.

The question that this Resolution do now pass was put and resolved in the affirmative without division.

On the motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, the CHAIRMAN reported to Mr. DEPUTY SPEAKER, the passing of one Resolution in Committee of Supply.

Mr. DEPUTY SPEAKER took the Chair and reported accordingly.

On motions of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX in each case, the Resolution passed in Committee of Supply was read a first and second time and agreed to.

LEAVE TO TAKE CHARGE OF ORDERS

Hon. R. G. MAPP: Mr. Deputy Speaker, I am asking leave to take charge of Orders Nos. 2 and 3 standing in the name of the Hon. Minister of Agriculture, Lands and Fisheries.

There being no objection, leave was granted the Hon. Minister.

FACTORIES BILL

Mr. DEPUTY SPEAKER: The next Order of the Day now stands in the name of the Hon. Minister of Trade, Industry and Labour: To move the second reading of a Bill to consolidate and amend the Acts of this Island relating to Factories.

Hon. R. G. MAPP: Mr. Deputy Speaker, in 1947, the Legislature passed a Bill which represented a major step forward in Legislation providing for the welfare and safety of workers employed in Factories in this Island. This was the first Factory Legislation: it provided, as set out in the "Objects and Reasons," for the registration and supervision of factories and for the safety and well being of workers employed in them. I need not recall the history of this piece of Legislation because it is well

known. In 1951, it was amended by Factories (Amendment) Act, 1951, and it was improved in certain of its administrative aspects, one of the chief changes being that in respect of the administration of the Act; the person responsible was the Labour Commissioner instead of there being a Factory Board to administer the Act.

6.30 p.m.

The Act of 1951 is incorporated in this Bill with certain modifications. Various provisions are taken from the English Act, especially those dealing with the definition of factory. It will also be remembered that two years afterwards, the Government brought down Mr. Margetts a Factory Inspector from England on a two-year contract to advise us on factory legislation and he prepared this consolidated Act incorporating provisions from the English Act as well as other provisions which he thought were necessary in the light of local conditions.

Mr. DEPUTY SPEAKER left the Chair and Mr. SPEAKER resumed the Chair.

Mr. Speaker, those of us who knew Mr. Margetts and who have some experience of the work he did will appreciate that he did a good job during his stay in Barbados. He visited many of the factories in this Island and I can say that he got the co-operation of many owners of those factories to improve them and to make better provision for the welfare and safety of the workers employed at those factories.

He also advised us that we should consolidate and improve on the various Acts which we had on factory legislation and it is on his suggestions and recommendations that this Bill is before us today.

The principal changes in this Bill are set out in the Objects and Reasons. Members will find that this Bill makes provision for simplifying the provisions of the Act relating to the registration and supervision of factories and for the safety and well being of workers employed therein. There are also safety provisions regarding driving belts, projecting stock bars and overhead travelling cranes. These have been included in Clauses 11, 12 and 13 and this Bill now follows the English Act in that respect.

It was also found that the present Act does not provide adequately for women and young persons in certain circumstances and what provisions there were in certain instances are not strict enough. This present Bill makes provision for tightening these safety provisions for women and young persons, and such work as the cleaning of machinery where there is risk of injury is entirely prohibited.

Provision is also made for the fencing of doorways and openings and for the maintenance of floors, steps, passages and ladders. There is also provision for the maintenance of safe means of access and safe places of employment.

There are also new provisions in this Bill in respect of steam boilers. The facts of these new provisions are set out in the "Objects and Reasons." They are as follows:—

- (a) persons are prohibited from being in a steam boiler which is one of a range of two or more unless certain safety precautions have been taken (clause 18 (1));
- (b) steam boilers and fittings must be properly constructed and maintained (clause 18 (2) and (3));
- (c) steam boilers must not be used unless examined at prescribed periods by a competent person in accordance with prescribed tests (clause 18 (4), (5), (6), (7), (8), (9) and (10));

(d) the Labour Commissioner is empowered to order a re-examination of a boiler if he is not satisfied with the competency of the person employed (clause 18 (11));

(e) the Labour Commissioner is empowered to exempt any class or type of boiler from the provisions of the Act (clause 18 (12));

The present Act has a major defect in that it does not have adequate provision for suitable means of escape in case of fire. This Bill makes suitable provisions for suitable means of escape in case of fire in all factories and not merely in factories where three or more persons are employed on a floor above the ground floor. The enforcement of the provisions relating to health is put on the shoulders of the Councils established for the purposes of Local Government. It also makes provisions for the appointments of some other persons to perform such duties if the Council fails to carry them out.

There is also provision for the approval by the Governor-in-Executive Committee in so far as docks, wharves, quays, warehouses where the processes of loading, unloading and building operations as well as works of engineering construction are carried out.

Members will also find that under the present Act there are no provisions for the maintenance of a reasonable temperature in certain places of works, and the provisions for such are made in this Bill.

Power is given to the Assistant Court of Appeal to apportion expenses between the occupier and owner in cases where any structural or any other alterations are required to be made to a factory in order to comply with the provisions of the Act.

Prosecution of offences under the Act is limited to a period of six months from the time the offence was committed.

These, Mr. Speaker, are the main provisions of this Bill. They are the main Clauses which strengthen the present Act and they make factories or workshops more conducive to the health and safety of the workers employed in them. The various industrial undertakings are aware of the main provisions of this Bill. The various owners have been consulted on the provisions and it therefore should be no major difficulty or major disruption in any industry in this colony through the bringing into effect of the provision of this Bill at an early date. As I have said already, this Bill is mainly based on the advice and experience of Mr. Margetts in this Island and as Factory Inspector in England. In every way it makes for an improvement on the present Act. I therefore beg to move that this Bill be now read a second time.

Hon. Dr. H. G. H. CUMMINS: I beg to second that.

6.40 p.m.

The question was put and resolved in the affirmative without division.

Hon. R. G. MAPP: I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. SMITH being in the Chair.

Clauses 1 to 13 inclusive were called and passed.

Clause 14 — was called. It reads as follows:—

"A woman or young person shall not clean any part of any machinery or any part of any machine"

if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machinery or part of any machine or of any adjacent machinery or machine."

Mr. F. L. WALCOTT: Mr. Chairman, how is this going to be carried out? I want to make it in this sense. The Manager calls on a woman to clean something; she objects to cleaning it because she believes it is likely to be dangerous and she is dismissed for refusing to carry out the order. Now, this Clause as it is written here is just like one of those things we have now; and to give an example of how it would work, you have the Shop Closing Act; the Employer calls on the employee to work overtime; the employee works overtime and it is against the law; the matter is reported to the Labour Commissioner and the Labour Commissioner has instructed the Union that both persons have broken the law. The question of working overtime does not arise because they have both broken the law. In that you want to give workers protection but in this case you are in the clear. Now, the woman can go and report this matter to the Labour Commissioner, and it is o.k., but it exposes her to the question that if she refuses to do the job therefore she ceases to be employed.

You don't want to pass legislation that is going to work that hardship as I have explained; where the woman is entitled to overtime fees she can draw overtime fees, but in this case the Labour Commissioner says she has broken the law and as this Bill was dealt with fairly speedily today, I have not had the opportunity to read what would be the Government's reaction to this; but I should like to hear the Minister explain the points I have raised.

Hon. R. G. MAPP: Mr. Chairman, I do quite see the difficulty the honourable member is referring to, but it does differ from the example he has just made in that in this clause if a woman or young person refuses to clean part of a machinery or part of the machine which might expose them to risk of injury, such woman or young person is protected in this. If the factory owner or manager dared dismiss that woman or young person for that, I think he would get into trouble and that is where the honourable member or the Union or the Labour Department would come in with a great deal of force. I do realise the difficulty of course, in a person having to clean machinery even if it exposes him to the risk of injury, but I think you will agree that if the section was not there, the employer could compel them; but with this clause if he did it he would be breaking the law. They have been given some protection in this Bill whereas under the present Act they did not have it. I think that this is an improvement on the present Act because it gives them the protection they do not get at present.

Mr. F. L. WALCOTT: I am not objecting to the section. I am only wondering whether it gives them any positive protection, because it is just like the Shop Closing Act in the other sense which sought to give protection, but you see this is a debatable point with the lawyers because "any risk of injury from any moving part either of that machinery or part of any machine or of any adjacent machinery or machine," means that you could be cleaning here and have a machine working on the other side and if somebody says it is dangerous then you get an argument because how are you going to determine it? It does not state here specifically what is going to be the dangerous bit for the worker so say you can clearly see it. I raise that point because with employers in Barbados and an Act like this, either you do it or you leave. The point

is whether the Minister says you can be prosecuted. The woman cannot prosecute, so she either does it or leave and when the Inspector goes he would have to decide if it is dangerous or not; and if he decides it is, it does not reinstate the person. I only brought out that to raise the issue that they should really specify these things, but we do hope that we would not have these instances I have mentioned relating to these factories — like the girls in the Shirt factories, and many of the new things growing up where some of them are called upon to do things and are likely to be faced with dismissal on refusal and I have known that they are done in some European countries where they are putting Clauses like these where the employer cannot dismiss people for refusing to work, because a dismissal would be regarded as a contravention to the Act, but with this Clause if he dismisses them there is no contravention of the Act as far as this Bill is concerned: and the person is apt to lose the job, because it has left the person at the mercy of the employer.
6.50 p.m.

Hon. R. G. MAPP: I think that if the hon. member studies the position carefully, he will see that it works in both ways. The Clause says that a woman or young person shall not clean any part of any machinery, and so on. I think the hon. member will admit that this Clause has a certain degree of force which no employer could ignore. It protects the employee to a great degree; I think that this is a very forcible Clause for the protection of the worker. I do admit that it allows for a matter of opinion as to whether there is a danger or whether you are exposed to risk of injury or not. I think it is far better, however, to have that protection in than if it was not there.

The question that Clause 14 stand part of the Bill was put and resolved in the affirmative without division.

Clause 15 and 16 were called and passed.

Clause 17 was called.

Hon. R. G. MAPP: I beg to move that Clause 17 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

Mr. F. L. WALCOTT: Mr. Chairman, this Clause deals with the safe means of access and safe place of employment, but I do not know if there is any provision made in this Bill for escape, because I have not had the time to go through it. In Barbados, as you will know, in many of the buildings, people work in two-storeyed buildings and you will find that at some times, there is no adequate escape provided in the case of fire. [A MEMBER: Read Clause 20.] I am very sorry, Mr. Chairman.

Mr. BARROW: Mr. Chairman, I would like to get it clear that, although this is a Factories Bill, the provision of Clause 17 (2) relates to building operations of any kind. From the general tenor of this Bill, some persons may easily get the impression that it is only supposed to relate to gangways and things like that which you find in sugar factories, and in the interior of other buildings. This provision in the English Act relates not only to the inside of factories, but to building operations of any kind; so that if anybody is putting up a two or three-storeyed building, and workmen are working on scaffolding, that scaffolding must have a proper fence of a height of 3ft. 9 ins. or 4 ft. Therefore I am suggesting to the Hon. Minister of Labour that not only should this section of the Bill state that "Secure handhold means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety," but that the height of the fencing should be stipulated as well. Of course, this whole Clause is clumsy, but I suggest that there should be

a stipulation as to the height of the fencing because it is possible for somebody to erect a fencing 7 ins or 8 ins high, and that would be a hazard to a workman who was working on a two or three-storeyed building.

Let us take an example. There is a building going up somewhere in the City, and when they reach a certain height, they can put up a fencing which can be of any material, bamboo, or corn-stalks, or the sort of growing fence which you get in St. Joseph. That would be a fencing, but it would not be a fencing which would safeguard the people when they are removing blocks and building materials along the scaffolding. I repeat, that there should be some stipulation as to the minimum height at which that fencing should be. I would like the Hon. Minister of Trade, Industry and Labour to check up on that.

Hon. R. G. MAPP: I think that the hon. member who is a Lawyer would know more about drafting Bills than I would know, but I was wondering whether what he is asking now could not be dealt with by Regulations. [Mr. BARROW: What Regulations?] Regulations providing for the safety of people in connection with all operations of factories. What the hon. member has said would fall within the Regulations. I will bear in mind what the hon. member has said and see if his point is not covered by Regulations. The height of the fencing is a matter for the technical expert; it is for him to say how high the fencing should be in order that it can be considered to be safe.

I think, rather than put it under the Act, that the right place for it would be under Regulations.
7.00 p.m.

Mr. BARROW: Mr. Chairman, I can very well see that under the United Kingdom Act most of these things are done by Regulations but Regulations only really prescribe for things like the designing of orders and matters of that kind. Things like the height of a fencing are continuous; they are nothing which you should leave to Regulations.

In any case, I will counsel the Hon. Minister to look at Clause 32 carefully because it makes no provision for the matter. It reads as follows:—

32. (1) The Governor-in-Executive Committee may make regulations for the purpose of carrying out the provisions of this Act and, without prejudice to the generality of the foregoing provisions, any such regulations may provide for—

It then specifies the matters for which you may make regulations. I will read them at the risk of being tedious.

- (a) securing safety in connection with all operations carried on in a factory;
- (b) securing safety in connection with the use of cranes, winches, pulley blocks and of all engines, machinery, mechanical gear and contrivances whatsoever;
- (c) first aid appliances;
- (d) the fittings and attachments to be attached to steam boilers and the tests to be applied to such boilers;
- (e) the space to be allowed for workers; (This is a question of floor space.)
- (f) the plan and system of fire escape;
- (g) prescribing the conditions of employment of women and young persons in factories;

Now, Sir, we have already an Employment of Women and Young-Persons Act. On this particular point, I think the honourable junior member for St. Peter is best acquainted with it. From my recollection, we have the Employment of Women and Young Persons Act so I see no reason why that should be

placed under this Section. At any rate, that is not germane to the point I am raising. I will continue to read:—

- (h) the fees to be paid for the examination of any machinery in any factory and for the issue of a boiler certificate; (I think we should specify that at an early date.)
- (i) the forms to be used under the provisions of this Act;
- (j) prescribing anything which is required by this Act to be prescribed.

There should be a minimum height for fencing. There is no provision in the Act prescribing for the minimum height for it; as a matter of fact, there is nothing mentioned about it. The height of a fencing is nothing which will vary from generation to generation. The average height of a human being is known and if you have a fence below a man's knee, he will fall over it.

What I am saying is that as careful as Mr. Margetts may have gone into this matter, this is an omission on his part. There is provision for Regulations to be made to apply to outside and inside of a building but I think that the minimum height of a fencing should be put into the Bill itself. It is nothing to vary and I would prefer to see provision made for it in the Act. There should be some provision prescribing the minimum height of fencing; otherwise the whole Act would be nonsense. Not only should the height of fencing be specified but the material of which they should be constructed should also be specified. You need not pin a person down to steel, B.R.C. or expanding metal but you should say "wire or such a gauge of not less than 1½ ins" or "pine joists which should not be spaced at a greater interval than a foot."

I am wondering if the Hon. Minister can tell us if there is something under the Act specifying that the fences should be built to the satisfaction of an inspector. Certainly there must be something on the Act to that. You should have some sort of safety certificate for work in a factory. I know that it was because of the lack of all these things in the present Bill that Mr. Margetts could not make any prosecutions; he only was able to go around and beg people to do what he thought was necessary to safeguard the workers. I take it that you should prescribe a certain height for fencing to protect a worker from an accident. Certainly the precaution should be done to the satisfaction of somebody, otherwise it means that the factory owner will be the inspector for himself.

Hon. R. G. MAPP: I do not think we need specify the height of fencing in the Act; it is absolutely unnecessary.

Mr. BARROW: It should be mentioned in the Act and not in the Regulations.

Hon. R. G. MAPP: That is a matter of opinion. Some legal draughtsmen might think it should be mentioned under Regulations and not in the Act. I do agree that Clause 32 makes provision for that. Sub-section 1 (a) reads as follows:—

"Securing safety in connection with all operations carried on in a factory." Now, the definition of "building operations" means the construction, structural alteration, repair or maintenance of a building including re-painting, redecoration and external cleaning of the structure, the demolition of a building, and the preparation for and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act."

This particular Section applies to "building operation" and fencing is included in building, so I really do not agree that under Clause 32 the Governor-in-Executive Committee cannot make Regulations to take care of that particular aspect of which the hon. senior member for St. George is calling attention.

I have already promised the hon. member to bear all of what he said in mind. I repeat, I still feel that you can make provision for that in Regulations. However, I shall consult the Crown Law Officers on the point.

The question that Clause 17 stand part was put and agreed to.

7.10 p.m.

Clauses 18 to 20—were called and passed.

Clause 21—was called. It reads as follows:—

"There shall be provided and maintained for the use of all female workers in a factory whose work is done standing, suitable facilities for sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment."

Mr. F. L. WALCOTT: Mr. Chairman in looking at Clause 21, you have to look at part IV Welfare (General Provisions) — Now, here in this Clause you do not make any provision for eating places. I am sure the Minister must agree that at this stage if you are going to amend this Act, you cannot in the light of modern trends leave out this provision, and I am sure you will agree that the I.L.O. Conference had its first discussion in June last year on the question of welfare facilities, and the second discussion will take place this year; and if you will check up you will find you cannot make welfare facilities unless you are going to make provision for eating. You will find here that you make provision for hours of employment and in a general way these hours are an eight hour day and normally a forty-four hour week with half day on Saturdays. There is also the question of the supply of drinking water and on that I will have to ask the Minister a question. But here, from Section 21 to 25, there is no provision whatsoever for eating in these factories and he must agree with me that where you have factories you have to make these provisions. This is a Factory Act and you cannot leave out certain essential clauses and leave these negotiations and local provisions for the factory owners to provide. Now let us go into all these sugar factories in Barbados where they are working on a shift system. You must insist that these factories provide places for eating because you cannot expect a man to work for 12 hours and if there is a break to go and scotch up in any old room to eat. Therefore the Act should provide facilities, and I am dealing with the point that it is not a provision that the Trade Union can impose as a law: and if you are amending this Act, I take it it should be so prescribed to provide eating places for these workers because too many are renting buildings and not making provision for eating. That is not good enough. At one of the primary newspaper companies in the island, the *Advocate*, there is no adequate place for eating. The modern trend is that you should provide eating facilities for people. Now, I believe the Minister is going to tell me the regulations will deal with this. There should be a sufficient supply of pure drinking water for the use of persons employed in every factory.

Mr. Chairman, I am very grieved to hear what Dr. Lampart had to say about tuberculosis and I think we have reached the stage in Barbados where we should make it a penalty that all these places

should have not only pure drinking water, but running water; because a man is likely to get water in a bucket and leave the bucket in the place. He should have running services in his place, because there is a lapse in certain public health matters in this country and that is why we have to provide so many Hospitals; but I do insist that if it were an oversight by Mr. Margetts and may be you did not get full discussion on these things with appropriate organisations, and I hope that in the future these things will be done. I cannot see passing this Bill today without providing eating facilities.

Hon. R. G. MAPP: I will take the last point first, Mr. Chairman. The Clause says there should be provided a sufficient supply of drinking water. In a big factory that is a relative term but not in a small factory since it would not take 50 or 100 persons. It is only until recently that the House of Assembly had water supplied in a can, so the hon. member will find whereas in some factories a pipe is necessary, in others if the cans are in a sanitary condition and constructed properly, it isn't so. In a small factory of six or eight people it might not be necessary to provide a pipe or running water. Of course, the Inspector of the factory must make sure it is pure drinking water, therefore if the bucket is open it will make the water impure. I do admit that that is not the clearest way of doing it, but it depends on what the factory Inspector declares to be pure and a sufficient supply. What is a sufficient supply for a small factory is not so for a big one. I agree with the hon. member about eating facilities and the importance that is placed on them. Of course, he will admit that when Mr. Margetts drew up this Act, most of the provisions of this Act were already agreed to in the Conference Convention of the I.L.O. and other members, and this matter of eating facilities and the form it would take aroused very interesting discussion at the I.L.O. Conference last year: and even so that Convention was not adopted and took the form of a recommendation. I for instance have come across men eating in the Public Buildings up to last week. I asked one whether he was eating there because there was no provision made for him at the place where he worked, and I told him that the Government would have to see to it that something was done to provide it. I agree with him that provision should be made for proper eating places in the factories, but as I said already, even at the I.L.O. Conference last year it was not even adopted as a convention that would have the force of an Act; it was merely a recommendation and many of the people felt it should be left for collective bargaining. The hon. member feels we should go further and make it an Act. I have been so much in favour of it that I will see to it and put it in the provisions because it is not a thing that you can bring up in a moment's notice. It will take some consideration; but I promise to see how and where it can be brought into the Act.

Mr. F. L. WALCOTT: I must thank the Minister for his reply. The first point he raised is about the regulation, but I do not agree with the compromise that a man in a small factory might provide adequate water and an adequate supply of pure drinking water in a small can. Any person who has the capital to open a factory of any size in Barbados must have the capital to pay for running water in that factory. When it comes to the Liquor Licence Act, that is one of the things you have to do; you have to see to it and the only excuse for not having it is if water is not supplied in the area. So that I hope in making these regulations it should not be

left for them to prescribe what adequate drinking water should be.

7.20 p.m.

With respect to the Minister's question about eating places, I would agree with him that we should leave out this matter and let him find out where is the proper place to put it in. There is no Legislation in the world which provides an annual holiday with pay such as the Barbados Government has done. The I.L.O. has dealt with the matter along modern trends, but we do not have to wait until the I.L.O. passes a Convention to do something here. Every factory must provide its employees with eating facilities; I will fight the Government on any day on which it tries to carry out negotiations and do the job of a Trade Union. The Trade Union has its functions to perform, and it will have to perform them. You have in this Bill hours of employment for women and young persons, but you do not say that eating facilities must be provided. You have provision for a First-Aid box—well, that is necessary; and you are leaving that to the discretion of the employer.

With the 22 Factories which are going to work, there are some of them at which people will have to go outside the premises, by the hedgerow or by some trash-house and eat their food. If Part IV of this Bill can be postponed for further consideration, that might be done, because this is not a Bill which, if it is not passed tonight, that would matter, because this is not a controversial subject. I would like to see the question of eating facilities included in this Bill as a welfare provision. I would say furthermore that what I do not understand is a Ministerial Government being too pious; if you are the particular Minister and you decide that this provision should be put in here, then it should be put in here. It is not a question of drafting, it is purely a matter for the Minister to agree with something, and if he agrees, then we can postpone the consideration of Part IV of this Bill in order to deal with this matter. I repeat that the question of eating facilities is something which should be provided.

Mr. BARROW: The matter is very simple, Mr. Chairman, I quite agree with the hon. junior member for St. Peter that there should be some provision in Factories for people to eat; there ought to be canteen arrangements in other words. We are not saying that the employers should provide gas stoves and things of that sort, although they will come in due time. All that could be arranged between the parties concerned, but there should be accommodation for workers in every Factory and Shop so that they can take their lunch or breakfast as the case might be. I think that this matter can be easily settled by inserting in Clause 25 two words. This Clause says:—"There shall be provided and maintained in every factory for the use of persons employed therein such facilities for washing as the Commissioner may consider suitable."

The matter can be easily dealt with by inserting the words "and eating" after the word "washing." The main idea of washing is not the washing of clothes, but the washing of hands if you are going home, or the washing of them before you eat. You should have wash basins but you should also have a separate and distinct place where people can go during their breakfast interval and eat their meals, instead of going into a rum shop or into the factory yard.

Hon. R. G. MAPP: I suggest that we could deal with Clause 25 by putting in an Amendment when we come to it; the matter seems to be very simple.

Mr. BARROW: I only dealt with the matter there because the hon. junior member for St. Peter

mentioned it; however, it comes into the matter of a welfare provision and it could be inserted here. I suggest that we could insert these two little words in that Clause. The provision of accommodation for eating would carry with it of course, the necessary furniture which would have to go with that provision.

The question that Clause 21 stand part of the Bill was put and resolved in the affirmative without division.

Clause 22 was called.

Hon. R. G. MAPP: I beg to move that Clause 22 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

7.30 p.m.

Mr. F. L. WALCOTT: If a factory is desired I would say that in any factory you should have a first-aid box.

It is not going to be of very heavy cost and if you pin it down to 10 and say that it does not apply to small factories of less than 10 workers, it means that those factories would not have to provide it. I do not see the point in your making it "ten." Mr. Margetts may have been thinking that this applies to factories in England where in very few instances you have workers employed of less than 10. However, that is a small point. I will not press it too much but I am sure the Minister can see that the question of stipulating "10" does not improve the Bill and that is the reason why I raised it.

The question that Clause 22 stand part was put and agreed to.

Clause 23 was called. It reads as follows:—

"The period of employment and the intervals for meals and rest for every woman or young person shall conform to such conditions as may be prescribed."

Hon. R. G. MAPP: I beg to move that Clause 23 stand part.

Hon. M. E. COX: I beg to second that.

Mr. F. L. WALCOTT: What is the reason for your putting in this Act that the period of employment and the intervals for meals and rest for every woman or young person shall conform to such conditions as may be prescribed? As the hon. senior member for St. George has said, already you have a Women and Young Persons Act on the Statute Book. You state "woman or young person" but you do not state "man." I do not know if you mean that this should not apply to a man as well. I want to say bluntly that I will not support it unless it applies also to a man.

Let me say that there is factory legislation which prohibits women or young persons from working in factories at night and that is legislation of I.L.O. We are one of the places where women still work in factories at night. Now, that legislation which was passed by I.L.O. was not passed to deal with territories that run factories on a 16 week basis, but it dealt with women working in factories where their work was of the nature of permanent employment. In this Island we have some women working in factories taking megasse from out of it and it is the type of work that forces women to work under conditions which you can say women should not work under. I do not know if this Section is put in to prohibit women from working under those conditions; I only mention it because it deals with a period of employment. I do not know if this Section was inserted in accordance with the Women and Young Persons Act. I will say that it is not necessary because the hours of employment of women and young persons can be regulated in a general way. I would like the Hon. Minister to say

what is the special reason for limiting this Section only to women and young persons.

Mr. BARROW: Mr. Chairman, there is one point which I am going to raise and I was rather surprised that the honourable junior member for St. Peter did not touch on it. It is with respect to the employment of women and young persons. I may tell this Committee that the insertion in factory legislation of provisions of employment and so on for women and young persons was a sort of oblique attack on the conditions which existed after the Industrial Revolution in factories in the United Kingdom. Although a frontal assault was made on the conditions of employment of able-bodied men in factories it was not successful because the prevailing economic doctrine at the height of the Industrial Revolution was a sort of "laissez-faire" and so the humanitarian sympathies had to be invoked by Trade Unions making provisions relating to an eight-hour day and the spread over—(I mean the maximum period which the factory should be in operation and the hours under which women and young persons should be employed.) But the object of the legislation was not primarily to legislate for women and young persons; it was that if you attacked the inhuman conditions under which women and young persons had to work and you got better conditions of employment for them, that you would automatically cause the factory owners to extend those provisions to the men who did most of the operations in the factories. The women used to be employed in cotton spinning and gathering, and young boys would be employed in the greasing of the spindles and motors of that kind; so it was thought that if you passed legislation to limit their hours of work, and the boys had to go off at a particular time, the men who were employed would also have to go off soon after because the machines so long as they were working would have to be oiled.

You can therefore see that the attack was launched through this subterfuge of introducing humanitarian legislation to protect the weaker sex and children who could not protect themselves; and the overall effect which was to restrict the hours of employment and to provide improved conditions for all workers such as we have embodied in this Bill was accomplished for men by an indirect attack.

Now, Sir, I am wondering whether the historical reason for that legislation being introduced in that particular manner—which is now a question of ancient history—is one for which we should go back to the English legislation. I am wondering whether we should adopt such a subterfuge because I consider it is unnecessary for our situation today. Why do we not make these provisions applicable for all workers in factories?

7.40 p.m.

I see no reason for that at all. We know industrial lawyers drafted our factory legislation and you would not expect that the best they could do was to go to the English legislation and try to modify the English legislation as much as possible to apply to our conditions here. The Trade Unions have accomplished what they could not; they have accomplished what the factory owners could not have conceded and I see no reason why this thing "a woman and young person" should be left in. It was passed in 1938 and amended in 1951-53 and that legislation was in many respects similar to the legislation which existed in England in the employment of women and young persons. I do not see any reason for drawing a line of demarcation between the safety factors which should be provided for women and young persons and the same for men.

Of course, the argument adopted by the British reformers still stands, if you say that no machinery

shall be oiled by any woman or young person whilst the machinery is in motion. In Section 23, it reads.

"The period of employment and the intervals for meals and rest for every woman or young person shall conform to such conditions as may be prescribed."

I am not criticising that section; I am only bringing historical facts to bear. Why should that apply to women and young persons alone as in Section 23 when you say "the period of employment and the intervals for meals and rest for every woman or young person shall conform to such conditions as may be prescribed"? I am saying that if you are going to make that a matter of legislation, it should be universal. You only use it for women and young persons to protect the men because once the factory had to conform with certain regulations in relation to the spread over and in work for women and young persons, automatically the factory would have to close down at night if the people were sent home under the Factory Act. Therefore I am only questioning the good sense of retaining the subterfuge in section 23, as prescribed in the period of employment and intervals for meals and rest.

Mr. Chairman, I know I have been rather involved in trying to bring this point out because I had a number of excursions into the historical reasons for the engineering experts in Barbados or perhaps they never existed at all.

Mr. F. L. WALCOTT: Mr. Chairman, this is very important to me at least. We want to know what are the reasons for the period of employment and the interval for meals and rest for every woman. You are only dealing with women by legislation because we did not go into this and because we did not have any industrial revolution; but we want to know the period of employment. We want to see why you are going to prescribe legislation for women and young persons only, and not for all the workers in the factory. I accept what the honourable member said about the subterfuge, but the Trade Union Movement here have agreement with the factories. It does not affect the sugar factories as regards conditions of employment with which, I believe Government will conform, and ask the appropriate organisation their views if they regard these organisations as important; and so we will always get a wide measure of agreement. However, the Minister should say whether the hours of employment of women and young persons are put in there as a special protection for the Employment of Women and Young Persons Act and if so whether you are putting it in as a part of the Employment of Women and Young Persons Act, because we do not want in this to appear to use young persons.

Hon. R. G. MAPP: Mr. Chairman, the whole object of this is not as the honourable senior member for St. George thinks, to make statutory provision for some things such as working hours and so on, which we have previously left for collective bargaining between the Union and the employer. This is putting the old clause in the new Act and making special provision for these women and young persons. I am not going into the historical background, but as I said we did not intend to take these things out of the hands of the Union or other organisations (which arrange these hours by means of collective bargaining) and to make them statutory obligations. It is only because we want to protect women and young persons. If the honourable member feels there was a suggestion by Mr. Margetts as may be prescribed by Regulations under the Act, that does not alter the clause very much because it merely follows. That does not make any very great difference, but it is a repeat of the clause in the existing Act, and it is just to make special provision for these women and young persons.

The question that Clause 23 stand part was put and resolved in the affirmative without division.

Clause 24 was called. It reads as follows:—

"A sufficient supply of pure drinking water shall be provided for the free use of persons employed in every factory."

Mr. F. L. WALCOTT: I would like to know whether this would come within the Minister's jurisdiction when the regulations are being formed. I would like him to remove from his mind any sort of acquiescence with any person who does not intend to put drinking water in the sense that you can have a tap in that place. We must go against people buying and eating Tuberculosis in this place. This question of drinking water means that within that building they must have adequate taps and not as in some buildings in this city where people go outside and bring in water. Apart from the petty rum shops, I have been in a place and I was surprised to know the porter had to bring in water in a sort of bucket; and I say that from a practical point of view it is not a point that is likely to arise but the Minister should bear this in mind when the regulations are being made.

Hon. R. G. MAPP: If the honourable member will give way, I hope he is not suggesting that I am thinking that a small factory should not make provision for pure drinking water, because even a container could be built in such a way in which it ensures pure drinking water. I may tell the honourable member that there are suggestions with which I agree and I personally am going to postpone Clauses 24 & 25 to see any way in which we can improve on these clauses and make provision for what we are discussing tonight.

There are some suggestions in respect of which I am asking for a postponement of Clauses 24 and 25 in order to see if we can improve on these Clauses in any way. We want to make provision for what the hon. senior member for St. George was discussing just now.

7.50 p.m.

Mr. BRANCKER: Mr. Chairman, I am supporting the proposal to postpone the consideration of those two Clauses in the light of what the Trade Union specialist in this Chamber has pointed out to us. I do not think that Section 24, which deals with the supply of drinking water, is strong enough. In whose opinion is the supply of pure drinking water sufficient? Is it in the opinion of the factory Manager? He may say that it is quite sufficient to send for a bucket of water from a stand-pipe, and that it is pure drinking water. If the hon. senior member for St. Thomas is proposing a postponement of these Clauses in order to get something which is much tighter than what is here, then I think we should emphasise that there should really be a tap on the premises and within the factory itself. That would ensure that there would be a sufficient supply of pure drinking water because you will have as much water as the Government main would provide. If the hon. member has asked leave to postpone the consideration of Clause 24, I will agree with that; if he has not done so, then, I will move that the further consideration of this Clause be postponed, in order that a matter which is obviously desirable would be effected.

I beg to move that a further consideration of this Clause be postponed.

Hon. R. G. MAPP: I accept that motion.

Mr. BARROW: Since the further consideration of this Clause is going to be postponed, I do not want to curtail the debate, I presume that there is going to be consultation by the Executive Committee along with such persons as they may deem competent

and fit to deal with such matters. I should like to point out one or two things to those hon. members who have spoken on this Clause; there is no limit in this Clause to the number of persons who should be employed in a factory in which pure drinking water should be provided. I am suggesting that if you are putting in this provision, that there should be running water in a factory, you would also have to put in the size of the factory.

It would be unreasonable to expect a seamstress or a man who does a little employing or who employs himself and his wife to provide the facilities which the Government today does not consider necessary for the working-class people in this Country. I refer to something which I have mentioned consistently on the floor of this House; we are building houses without water-borne sanitary conveniences—

Mr. CHAIRMAN: On what is the hon. member speaking?

Mr. BARROW: On Section 24 of this Bill.

Mr. CHAIRMAN: The Hon. Minister has accepted the motion for postponement.

Mr. BARROW: I said at the beginning that I did not want to curtail the debate, but I am drawing the attention of the Hon. Minister to one or two things for his consideration. If the Government does not provide water in every house, [Laughter] I do not see how you can enforce upon a man who employs one or two people that he should provide running water, when the Government does not consider that to be the standard for the people. You would have to draw a line of demarcation between the small establishment and the big factory.

Hon. R. G. MAPP: We are not making it obligatory on any small man to install running water on his premises. We have a provision in this House of Assembly for clean water, and it was not necessarily by a pipe. You can make provision in this Section for jets for some establishments, but not for all.

The further consideration of Clause 24 was postponed.

Clause 25 was called.

Hon. R. G. MAPP: I am asking leave, Mr. Chairman, to postpone the consideration of Clause 25.

Mr. BARROW: Mr. Chairman, I want to get the procedure quite clear. What I am accustomed to is this: the Clerk calls the Clause, it is moved and seconded and if any particular member wants to speak, he does so and then they have to get up and state what they want to do about the particular Clause. In this particular case, the Clause was never called. The Minister spoke before the Clause was called.

Hon. R. G. MAPP: The Clerk called the Clause and I ask leave for it to be postponed.

Mr. BRANCKER: In connection with the postponement of this Clause, I would ask the hon. member when it is postponed, to have consideration given to including not only facilities for washing, but also facilities for the partaking of meals.

8.00 p.m.

Hon. R. G. MAPP: What does the hon. member think is the reason for which I have asked that it be postponed?

Mr. BRANCKER: Mr. Chairman, the answer to that question is that I do not take any chances with him.

There being no objection, leave was granted the hon. member to postpone further consideration of Clause 25.

Clause 26 was called. It reads as follows:—

26. (1) Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, sanitary convenience or nuisance.

(2) Sufficient and suitable sanitary conveniences for all persons employed in every factory shall be provided, maintained and kept clean, and where members of both sexes are employed, not being members of the same family, the accommodation shall be entirely separate for each sex so as to secure privacy.

(3) (a) A factory shall not, while work is being carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(b) Without prejudice to the generality of the foregoing provision, a factory shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than the amount prescribed from time to time.

(c) Cubic space, shall not be deemed to be allowed for any person unless it is kept clear from all materials, goods or tools other than those actually used or required by the person for whom the space is to be allowed.

(d) In calculating, for the purpose of this sub-section, the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account.

(4) (a) Every factory shall be ventilated in such a manner as to provide a sufficient supply of fresh air, and to carry off and render harmless, as far as practicable, all gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health.

(b) Without prejudice to the generality of the foregoing paragraph, the Director of Medical Services may, by requisition to the occupier or manager of a factory require him to supply fans or other efficient appliances to carry off and render harmless all such gases, vapours, dust or other impurities.

(5) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(6) Effective provisions shall be made for securing and maintaining a reasonable temperature in each workroom.

(7) Where any process is carried on in any factory which renders the floor liable to be wet to such an extent that the liquid causing the wet condition is capable of being removed by drainage; effective means shall be provided and maintained for draining off such liquid.

Hon. R. G. MAPP: I beg to move that Clause 26 stand part.

Hon. M. E. COX: I beg to second that.

Mr. F. L. WALCOTT: On this provision, Mr. Chairman, I heard the Hon. Minister of Labour to say just now in answer to the hon. senior member for St. George that it is not his intention to press this imposition against small businesses because under the English Act they do not do so on small businesses.

I would like the Hon. Minister to bear this in mind: we in this island have too much of the idea that small businesses cannot comply with certain minimum social standards, and especially is this so when it comes to their having proper sanitary conveniences with a waterborne system. We have to stop those people who still have these dirty places in Bridgetown from continuing to provide only cess pits and I am glad to see that provision is made under sub-section (2) for separate accommodation for men and separate accommodation for women so as to secure privacy. To some of these small business people, the minimum standards of decency for their workers seem to be something in the sky. I do hope that the enforcement of this provision will be insisted upon in order that the standard of public health can be raised.

It is my opinion that if these small business people cannot provide their employees with these things they are not ready to open business because expenditure on the provision of these things is infinitesimal when compared with what it costs for the whole structure of the business. Added to that, it is nothing for which you will have to make provision every day.

I hope that the Hon. Minister of Health will see to it that although it might be only a business which employs two or three people that this provision will be complied with. Of course, I do appreciate that in these things you will have to use your discretion, but in a general way, I would like to see it insisted upon that good health standards in this particular way are maintained because eventually the whole community will have to pay for bad health standards.

Mr. BARROW: Mr. Chairman, I have just one point to make with respect to Clause 26, Sub-section 2 which is for the provision of sanitary conveniences. I do not think that this Clause goes far enough. I think there should be provision for a maximum number of persons to each sanitary convenience provided. There is no point in having in a factory three hundred people employed and there is only one sanitary convenience for the men and one for the women. I hope when the Regulations are made that it will be prescribed in them the maximum number of persons supposed to use one sanitary convenience.

I do not see any provision under Clause 26 for the white-washing, distempering or painting of factories for so many times a year. I consider that a very important item. That was one of the first things for which provision was made in the Factory legislation passed around 1930, and, to the best of my recollection, since we have repealed that Act and brought in this new legislation, there should be specific provision for that in this Bill. Besides the question of the provision being applicable to proper health standards it will also do a lot to alleviate the seasonal employment of painters. That is not of paramount consideration but it is something which we should not ignore. Purely from the hygienic point of view I think we should insist that at every factory which has to be painted it should be painted at periodic intervals which the inspector might consider as reasonable and at those factories which are to be whitewashed, they should be whitewashed so many times a year.

The question that Clause 26 stand part was put and agreed to.

Clause 27 was called and passed.

Clause 28 was called. It reads as follows:—

28. (1) The Governor-in-Executive Committee may by order apply all or any of the provisions of this Act to

- (a) docks, wharves or quays (including any warehouse occupied by the owner or occupier of the dock, wharf or quay);
- (b) other warehouses (not forming part of a factory) in or for the purposes of which mechanical power is used;
- (c) the process of loading, unloading or coaling any ship in any dock, harbour or canal and all machinery or plant used in such process;
- (d) building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking;
- (e) works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking.

(2) When the Governor-in-Executive Committee has made an order under subsection (1) of this section, the following provisions shall, for the purposes of this Act, have effect, that is to say—

- (i) any such premises as are mentioned in paragraphs (a) or (b) of the subsection shall be treated as a factory;
- (ii) any such plant or machinery as is mentioned in paragraph (c) of the subsection shall be treated as plant or machinery situate in a factory;
- (iii) any person having the actual use or occupation of any such premises as are mentioned in paragraphs (a) or (b) of the subsection, or any person carrying on or undertaking any such processes, operations or works as are mentioned in paragraphs (c), (d) or (e) of the subsection shall be treated as the occupier of a factory.

Hon. R. G. MAPP: I beg to move that Clause 28 stand part.

Hon. M. E. COX: I beg to second that.

Mr. F. L. WALCOTT: I will appeal to the Hon. Minister to see that in all of these things for which we have made provision that proper consultation with the particular groups concerned will be given. It is not the habit in this island, even before Ministerial Government, for Trade Unions to be consulted on legislation which was to be put into effect. There has grown up the habit that only business and business people are deserving of that courtesy; it is not regarded as essential for a Trade Union to be consulted on new legislation. I therefore hope that in all of these provisions that consultation will be taken with the particular groups concerned. When consultation is taken with the particular groups concerned before hand, it removes a lot of debate. The Minister will be able to say when dealing with the particular matter that consultation was taken in the particular quarters as regards the matter and he has had an opinion on this and that. I hope the Hon. Minister of Labour will not have the provisions in this Act carried out without the knowledge of the appropriate groups and with only the opinion of the Governor-in-Executive Committee; because the Governor-in-Executive Committee only means the Minister of Labour whoever that happens to be.

The question that Clause 28 stand part was put and agreed to.

Clauses 29 and 30 were called and passed.

8.10 p.m.

Clauses 31 and 32—were called and passed.

Clause 33—was called. It reads as follows:—

33. (1) The Governor-in-Executive Committee may make regulations for the inspection of factories and machinery, or of classes of factories, or of certain kinds of machinery, by such persons as may be designated in such regulations.

(2) The Commissioner may from time to time by writing under his hand delegate any of his powers, duties and functions under this Act, to an Inspector.

(3) The Commissioner, the Assistant Labour Commissioner and every Labour Officer shall be Inspectors for the purposes of this Act, and in addition to such officers, the Governor may, by notice published in the *Gazette*, appoint such other fit and proper persons to be Inspectors, and may, by a like notice, revoke any such appointment.

(4) No person who is the occupier of a factory or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall be appointed as an Inspector or act as such.

(5) Every Inspector shall be furnished with a certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply, shall, if required, produce the said certificate to the occupier or other person holding a responsible position of management at such factory or place.

Mr. BRANCKER: Mr. Chairman, in considering this Clause what has occurred to me is that the Government in making Regulations for the inspection of factory and certain kinds of machinery, might consider some type of machinery which does not create the nuisance of soot and ashes such as would cause great inconvenience to people who live in the vicinity of factories, and in the passing and approving of certain kinds of machinery, they should ensure that proper provision is made for the reduction of soot and ashes to the minimum by requiring that such apparatus be made obligatory on the factories or erect it and include it in their paraphernalia of the factory, because as you know the well-to-do could easily go into the Court of Chancery and have the matter threshed out; but the poor people cannot afford to do that. I know how the people suffer from Fairfield in St. Lucy and it seems to me that the Governor-in-Executive Committee in making these regulations should see that there is in the Regulations not only the inspection for the machinery, but also they must ensure that the factory inspector in going around insists on the presence of certain apparatus which will reduce the soot and ashes in each factory to the minimum, and then that will be doing a great boon to the poor people within a mile or two of these factories which cause a great nuisance to the people and who cannot afford litigation.

You know the people who went on record with the Porters Factory, a rich gentleman who has a millionaire for a wife, and as you know in respect of Haymans Factory one of the richest men in the Caribbean who gets his money from Wakefield-Castrol. These people can look after themselves but I would suggest this is an opportunity in which we might cause this thing to be remedied when the Factory Inspector goes around and recommends regulations for the Executive Committee and ensure that the necessary apparatus will be installed by

the Factory to reduce to the lowest possible degree the soot and ashes and any other nuisance arising therefrom.

Hon. R. G. MAPP: I would like to tell the honourable member I have in mind what he has just said, because I know the nuisance and I know that general provision should be made.

The question that Clause 33 stand part was put and resolved in the affirmative without division.

Clauses 34—37 inclusive — were called and passed.

Clause 38—was called. It reads as follows:—

38. (1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliances, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use such means or appliance.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

Mr. F. L. WALCOTT: I am just going to say, I hope there is no general feeling by the Minister on the last point, when he answered the honourable senior member, that there are some people who have this idea as what they regard as a nuisance in these factories. The Courts take the decision and we cannot say anything in the Assembly, to change it but it is a matter of fairplay. We are satisfied about crop time.

Now, in Clause 38, this is a legal point but I am a little bit worried about how it reads.

"No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliances, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use such means or appliance."

Now, I would like to know how there would be misuse of these appliances, and if it is really an attempt to say that a man can be prosecuted for what they regard as a safety thing — like toilet bowls—and the misuse of the employers' plan to provide facilities and the people do not use them properly. I do not know what the lawyers in here would say on that matter. Sub-Clause (2) states "No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others."

Now, I am a bit afraid of this. I am not a lawyer but I am wondering whether it is going to cut across the Workmen's Compensation Act, or a normal clause that you put in so that if a man commits a breach he is not protected. I raise these two points because with the misuse of these appliances these people are subjected to prosecution; so I would like to be clear on these two points I have raised.

Mr. BARROW: My objection of Clause 38 is slightly different from that of the honourable member for St. Peter, because if we want to examine the usefulness of any particular Clause we would have to examine the reason behind it; and what you are doing in Clause 37 (2) which provides for

the penalty on the breach in Clause 38 is to make sure that people do not honour the spirit of the Act more in its breach than in its observation. In other words you want to make sure—take the illustration—that if the factory provides a fence or a gangway in a factory that a foreman does not go along and order a workman to remove it and take it to some other place and destroy the whole apparatus of the Regulations and of the erection of that principal safety precaution itself.

Now what I would like to know is this, Mr. Chairman—the honourable junior member for St. Thomas will help me in this respect—why is it that the restrictions should apply to a person employed in the factory? Is he not leaving the door open for somebody from outside to go into the factory and not be liable under the Act at all. If I read the Section, Mr. Chairman, you will see more clearly what I am trying to say. In Section 37 (1) "You shall be guilty of an offence."

8.20 p.m.

Section 37 refers to Section 38 and it says this:—

"In the event of a contravention by an employed person of the provisions of section thirty-eight of this Act with respect to duties of persons employed or of a contravention by any person of any regulation or order made under this Act, which expressly imposes any duty upon him, that person shall be guilty of an offence.....;" but in Section 38 it says:—

"No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliances, convenience or other thing provided in pursuance of this Act....."

I think that that applies more specifically to safety precautions and there are two separate and distinct considerations embodied in that Clause. I think it is obvious now that the Clause, as it is worded at present, leaves the door wide open for somebody to take a screw off a circular saw and walk back out of the factory and escape all liability whatever, and a workman comes along and gets injured. You do not want to defeat the whole purpose of the particular Section. I agree to a large extent with the honourable member for St. Peter about extending the liabilities in matters of this kind. If you are having canteen facilities in a factory, are you going to say that if a worker decides to eat outside under a tamarind tree that he will be liable to a penalty under Section 38 of this Bill, because you have included welfare arrangements in the penalty Clause? You have it that if a worker does not use the welfare provisions, he shall be liable to and guilty of an offence as well.

There are some employers who will look for any kind of loophole so as to dismiss people, but of course, honourable members on that side of the House feel that they will decide on the fortunes of employees for ever, and that they have such magnetic powers over the employing classes, the Managers and the factory owners in this Colony, that they will never act in any way as to make nonsense of this Act. I will tell them now that they will have to amend this Act again if they leave in the nonsensical provisions as are contained in Section 38. You cannot say that because I provide certain welfare arrangements for you that you will be guilty of an offence if you do not comply with them. They can say: "You must comply with the safety arrangements which we say should be placed in that factory," but when you come to the welfare provisions, do you mean to say that a breach by an employee of any of these provisions will make

him liable to an offence? I am saying that this Bill should be drafted in a sensible way so that there is no possibility of its provisions being abused, either by an employer or employee. We have done worse by making it possible for the Governor-in-Executive Committee (we know who that is) to make Regulations which will have the force and effect of law; we have no control over the nonsense which they may bring in and impose under the provisions of the Factories Act.

Hon. R. G. MAPP: I thought that when the honourable member read out that Section he would have realised that he has made a mistake.

Mr. BARROW: I have not made any mistake.

Hon. R. G. MAPP: It is really too late to start any kind of argument, but the honourable member specifically said that if you give people canteen facilities to use, and they do not use them, they are liable to be prosecuted because the Act specifically says: "Where any means or appliance for securing health....." Well, he used the word "welfare," but the Act does not say "welfare."

Mr. BARROW: Mr. Chairman, the Act does say "welfare."

Mr. CHAIRMAN: The Hon. Minister is on his feet. Will the honourable member take his seat.

Mr. BARROW: Which honourable member?

Mr. CHAIRMAN: The honourable senior member for St. George.

Mr. BARROW: I am on a point of Order.

Mr. CHAIRMAN: The honourable member has now said that.

Mr. BARROW: Section 38 (1) says this:

"No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliances, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare...." I did not read the Section *in toto*, because I thought the honourable member had it in front of him.

Part of this Section says that where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use such means or appliance. If he does not drink water, will he be liable too?
8.30 p.m.

Hon. R. G. MAPP: All I am trying to point out is that these things have to be put there for the use of the men. It will be ludicrous to tell a man he must use it. As regards the point which the honourable member was making, it does not have a modicum of commonsense to say if any person from outside walks in and does something wrong to a man's business that there is nothing under the laws of this country by which he can be prosecuted. It is a man's property. Certainly you must have something under the Acts of this colony to guard against some person coming from outside to commit a breach.

Mr. BARROW: Perhaps the Hon. Minister can tell me the law whereby you can prevent a man from coming into a factory where there is a circular saw with a guard and taking the guard off and by so doing a worker gets injured. I want to know what law there is to prevent a man from coming in from outside and doing that. If the Hon. Minister can tell me, I am willing to learn everyday. [A VOICE: You can charge him with malicious damage to property.] Someone has said that you can charge him with malicious damage to property.

There is no law under which you can prosecute him so long as he enters the factory lawfully.

Mr. F. L. WALCOTT: Mr. Chairman, I rise with no intention of entering into the legal argument; I have only done so because the Hon. Minister has not answered my question. I do not agree with the arguments of the honourable senior member for St. George as regards the question of canteens. I do not think under this Act you can bring a charge against a man because he did not use the toilets on the premises properly. In the course of my work I have received complaints from owners of businesses that the workers did not use the toilet in a proper way. There were such complaints as the workers leaving the toilets choked or leaving the taps running. Such complaints can be regarded as a question of misuse.

As regards the other point which the honourable senior member for St. George was making, there must be some provision in the Statute Book for prosecution of a person who comes into your premises and does something wrong, because if I had a factory and there was no law to prevent a man coming into my factory and pulling off the guard of part of my machinery thereby causing it to injure a worker, then there would be provision for my dealing with him. There must be some provision. I believe the honourable senior member for St. George must realise that there is some law whereby you can prosecute; if not, all the lawyers in the world are wrong.

Certainly such a person could be charged for trespassing or something of the sort. Do you mean to say that a man can walk into another man's factory and do such a thing without there being a law to prevent it? However, I do not want to argue on academic points, I do believe that Mr. Margetts has put things in this Bill which lawyers themselves will find it difficult to carry out. How can you sustain a charge against a man for misuse of a toilet?

Hon. R. G. MAPP: Mr. Chairman, the honourable junior member for St. Peter said that I did not answer his question. I can only say that you must wilfully misuse it. If you do not flush a toilet properly, the most that is, is carelessness. This Section specifically says "wilfully" and I think you will agree that there is a difference between "wilfully" and "carelessness".

Mr. BARROW: Mr. Chairman, I do not want to go over my argument again but to come straight to the point I do not see any reason why the words "employed in a factory" should be in the Section. I consider that the Section would be better worded if it were stated as follows:—

"No person shall wilfully interfere with or misuse any means, appliances, conveniences etc.," and it should go on to say "every person shall use the facilities provided."

Again I would like to illustrate to the honourable junior member for St. Peter that it is possible for a little child if he is enterprising enough to walk into a factory and remove all the safety gadgets without damaging the machinery and if he does that there is no criminal law attached to it. That is all I am trying to say.

The question that Clause 38 stand part was put and agreed to.

On motion of Hon. R. G. MAPP, seconded by Hon. M. E. COX, Mr. CHAIRMAN reported progress and asked for leave for the Committee to sit again.

Mr. SPEAKER resumed the Chair and reported accordingly.

The Order Paper having now been fixed.

ADJOURNMENT

Hon. Dr. H. G. H. CUMMINS: I beg to move that the House do now adjourn until this day week at 12 noon.

Hon. M. E. COX: I beg to second that.

Mr. E. D. MOTTLEY: As an amendment to that, Sir, I would like to move that the House adjourn until 3 p.m.

The question that the House do now adjourn until Tuesday 28th instant at 12 o'clock noon was put and resolved in the affirmative without division, and MR. SPEAKER adjourned the House accordingly.

8.40 p.m.